

2000/01 RESPONSES

**WHY ARE THE
BEACHES
CLOSED?**

AUG 22 2001

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SECRETARY TO CITY ATTORNEY
ARDIS SEIDEL
LEGAL SECRETARY/PARALEGAL

August 21, 2001

RECEIVED
AUG 24 2001
SAN DIEGO
COUNTY GRAND JURY

The Honorable, Wayne L. Peterson
Presiding Judge,
County of San Diego, Superior Court
220 W. Broadway
San Diego, California 92101-3409

RE: SAN DIEGO COUNTY GRAND JURY 2000-2001 REPORT: "WHY ARE
THE BEACHES CLOSED?"

Dear Judge Peterson:

The undersigned, as chief legal counsel of the City of Carlsbad, submits this letter pursuant to California Penal Code section 933 (c). The letter is written in response to the San Diego County Grand Jury 2000-2001 Report entitled, "Why are the Beaches Closed?"

In their report, the Grand Jury issued five recommendations that relate directly to the City of Carlsbad. Each recommendation is provided below, along with the City of Carlsbad's response thereto.

Recommendation 01-146:

Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of the Regional Water Quality Control Board (RWQCB), Ordinance 2001-01.

The City of Carlsbad (or "City") established the position of Environmental Programs Manager in March 2000 to address the emerging issues associated with storm water runoff and San Diego RWQCB, Order No. 2001-01 issued in February, 2001 (the "Order").



The City's current Environmental Programs Manager has a degree in Chemistry and sixteen years of experience in municipal environmental programs, of which ten years has been at the program management level. She is currently developing City programs that relate to storm water issues, as well as the requirements of the Order. In addition, she is participating and cooperating with other cities in the County to develop future watershed programs, as required by the Order.

Prior to March 2000, an Associate Engineer in the Department of Public Works managed components of the City's Storm Water Program.

The City's approved budget for fiscal year 2001-02 includes the addition of 5.5 full-time equivalent (FTE) permanent positions as follows: 2 FTE Environmental Specialists I/II, 2 FTE Maintenance Workers I, 2 FTE Engineering Technician II, and a 0.5 FTE Business Specialist.

City staff anticipates participating in the development of the Carlsbad Watershed Urban Runoff Management Plan ("URMP") as required by Order No. 2001-01. The Watershed URMP is due to the San Diego RWQCB on January 31, 2003.

Recommendation 01-147:

Design, create, fund, and implement a Storm Water Management Program, Storm Water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.

In order to comply with the requirements of the Order, the City is in the process of designing a comprehensive Storm Water Protection Program. The City will submit a Jurisdictional Urban Runoff Management Plan (J-URMP) as part of the Unified J-URMP submittal due to the Regional Board in February 2002. The Unified J-URMP is composed of the J-URMP's of the other applicable San Diego County jurisdictions and includes all programs and components of the Storm Water Protection Program for the City of Carlsbad.

In addition, the City of Carlsbad has established funding for the design, creation, and implementation of the Storm Water Protection Program and the Jurisdictional Urban Runoff Management Plan, including a discharge-monitoring program.

The City's 2001-2002 budget includes an additional \$1.6 million dollars to implement Storm Water Protection Program components as well as Order requirements. The City is on course to meeting all compliance deadlines listed in the Order.

Recommendation 01-148:

To establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.

The City of Carlsbad has established eight internal working teams from across City departments to develop and implement different portions of the Carlsbad Storm Water Protection Program and the J-URMP. The cross-departmental teams have been established and funded for fiscal year 2001-02 and are currently working on their respective tasks.

The City's work teams and a brief description of their task are listed below:

- 1) NPDES/Municipal Facilities Team. To address all City facilities for compliance with the Order. This team is composed of the Public Works Department staff;
- 2) Fiscal Analysis Team. To evaluate the fiscal impact of program elements mandated by the Order and development of funding mechanisms. This team is composed of Public Works Department, City Attorney's Office and Finance Department staff;
- 3) Legal Authority Team. To evaluate municipal code revision requirements and legal authority in general, related to the enforcement of the Order. This team is composed of City Attorney's Office and Public Works Department staff;
- 4) NPDES Planning, Construction and Development Team. To evaluate and implement elements associated with mandates related to Planning, Construction and Development. This team is composed of Public Works Department, Planning Department and City Attorney's Office staff;
- 5) Industrial, Commercial, Residential and Municipal Compliance with Data Management and GIS Team. To develop programs related to compliance in the stated sectors and associated data management needs. This team

is composed of Community Development, Information Technology, and Public Works Department staff;

- 6) Education/Outreach and Public Participation Team. To develop educational and outreach efforts in coordination with other City teams and requirements in the Order. This team is composed of Public Works Department staff.

Recommendation 01-149:

Explore outside funding of programs (such as grants), which will reduce the number of beach closures

The City of Carlsbad will cooperate and participate with the other six cities and the County of San Diego that make up the Carlsbad Watershed to develop a comprehensive approach to water quality protection. The Unified Watershed URMP that will be developed for the Carlsbad Watershed is specified by the Order and is due to the San Diego RWQCB by January 31, 2003.

It is anticipated that the Unified Watershed URMP will seek opportunities to obtain grant funding for public education and outreach, potential pilot or research projects, and any other programs that may become available. Any grant funded projects or programs that are established may lead to improvements in urban runoff and a reduction in the number of beach closures in the North County area.

In addition, along with its other responsibilities, the above referenced City of Carlsbad Fiscal Analysis Team is investigating the availability of a variety of funding mechanisms with which to implement the Order.

Recommendation 01-150:

Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Land development does replace natural vegetated pervious ground cover with impervious surfaces (rooftops, streets and parking lots). Natural vegetated soil both absorbs rainwater and removes pollutants providing a very effective natural purification process. The City of Carlsbad requires the implementation of Best Management Practices (including pollution prevention, source control and treatment control) to minimize the velocity and volume of runoff and to remove pollutants to adequately mitigate potential water quality impacts. The objective of the required mitigation

measures is to achieve no net increase in the volume, velocity and pollutant load from a developed property compared to the existing undeveloped site conditions.

Recommendation 01-151.

Although the City of Carlsbad is not Lead Watershed Permittee for the Carlsbad Watershed, the City wishes to respond to Recommendation 01-151 which states, "(i) identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain."

In response to recommendation 01-151, the City of Carlsbad intends to fully cooperate and assist Carlsbad Watershed cities, agencies, and districts involved in the operation and maintenance of the sanitary sewer system in order to minimize the potential of sewage spills and overflows. The City will collaborate with the Carlsbad Watershed Lead Permittee to establish necessary procedures and interagency cooperation as needed, through the development of the Unified Watershed URMP.

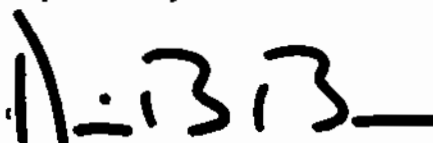
Conclusion.

In conclusion and on behalf of the City of Carlsbad, I would like to thank you for this opportunity to comment on the Grand Jury's recommendations. Please feel free to contact me should you have any questions or comments regarding this letter.

Very truly yours,

RONALD R. BALL
City Attorney

By:

A handwritten signature in black ink, appearing to read "D. Brower", written over a horizontal line.

DAMIEN B. BROWER
Deputy City Attorney

c: Mayor and City Council Members
Raymond R. Patchett, City Manager
Lloyd Hubbs, Public Works Director



RECEIVED

AUG 2 2001

**SAN DIEGO
COUNTY GRAND JUR**

July 31, 2001
File # 0780-70-KY181

The Honorable Wayne L. Peterson
Presiding Judge
220 W. Broadway
San Diego Ca. 92101

San Diego County Grand Jury
Hall of Justice
330 W. Broadway, Suite 477
P.O. Box 92101-3830
San Diego Ca. 92101-3830

SUBJECT: "WHY ARE BEACHES CLOSED?"

In response to the Grand Jury report of May 31, 2001, the City of Chula Vista provides the following comments, and hopes that they will answer the concerns expressed in the report.

There are no public beaches within the City of Chula Vista jurisdiction. However, the City is a proponent of the environmental quality, and has developed and implemented storm water quality programs for the past several years. Currently two full time staff members and other staff from our internal departments work towards updating the City's storm water program, and attend to water quality issues. In compliance with the newly adopted National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the City is in the process of enhancing its storm water section by hiring new staff as well as revising its ordinances, permit procedures, and enforcement processes in order to develop a more effective water quality program.

Responses to each of the comments included in the Grand Jury report are provided as follows:

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response: Agree in part. Any number of beach closures should be considered excessive and cause for further investigation. However, these closures are not frequent in all areas of the County.

B: When land is developed, storm water runoff increases because there is less land available to absorb water.

Response: Agree. This statement is generally true assuming that measures to mitigate this increase are not implemented.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response: Agree. We agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms. Given the shallow depth to groundwater in some areas, the minimum amount of unsaturated soil profile necessary to remove bacteria and other environmental pollutants needs to be considered when using infiltration as a treatment method.

2. Pollutants in Urban Runoff:

A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.

Response: Agree.

B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.

Response: Agree. These are all examples of diseases that can be contracted via water contact.

C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.

Response: Agree.

D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.

Response: Finding 2.d. does not pertain to matters under the control of the City of Chula Vista. We are not required to collect water samples or determine the need for closing a beach. The County of San Diego, as the local health officer, is required to perform those tasks.

- E. It is costly to treat storm water as it goes directly in the oceans, lakes, and streams.**

Response: Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams. However, depending on future progress, a greater reliance on structural controls, including dry weather diversion, may be needed.

- F. During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impact of these visits is direct and local as well as indirect and extended.**

Response: The City generally agrees with the statement, but cannot verify the number of visitor to the beaches.

- G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.**

Response: Agree.

- H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

Response: Agree.

- I. Direct revenues estimated for the year 2000 at the beaches in San Diego County – \$5.75 million.**

Response: The City is not able to verify the extrapolated data.

- J. Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.**

Response: The City is not able to verify the extrapolated data.

3. Watersheds in the County of San Diego:

- A. A Watershed URMP requires four disciplines for proper Management:**

- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water)**

- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry;**
- **Aquatic Ecology (fauna and flora).**

Response: Agree in part. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response: Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 Copermittees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The RWQCB, in Order No. 2001-01, has placed those 10 watersheds into 9 groups that will each require a Watershed Urban Runoff Management Program.

C. Watershed responsibility is shared with the Copermittees of the watershed.

Response: Agree.

D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.

Response: Agree. RWQCB Order No. 2001-01 requires that BMPs reduce pollution in storm water to the "maximum extent practicable". Copermittee programs as a whole must also ensure protection of water quality. RWQCB Order No. 2001-01 does not make Copermittees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for storm water.

E. Development and implementation of containment for storm water runoff is best planned within the entire watershed.

Response: Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01,

which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.

Response: Agree. In combination with regional programs and jurisdictional URMPs, water URMPs are a necessary part of overall water quality management efforts.

G. Grease and roots cause the greatest number of spills.

Response: Agree.

H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.

Response: This finding is unclear as to what backcountry is being referenced. In addition, it is unclear whether "conduits" is a reference to road culverts in rural areas, or to buried pipes in urban-area canyons.

If the Grand Jury's reference is to culverts and open channels, the City of Chula Vista implements a program for scheduled maintenance of the storm drains and open channels. If the reference is the sanitary sewer system the City of Chula Vista performs regular inspection and cleaning of sewer lines as well as respond to any emergency situations.

I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).

Response: The respondent does not have specific data on the volume of the spills.

4. Public Awareness and Activism:

A. Solving the storm water runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.

Response: Agree. Urban runoff management requires the participation of everyone. Encinitas, the City of San Diego, and the Port of San Diego are all examples of programs being implemented in response to storm water runoff problems. The City of Chula Vista is also implementing programs to control urban runoff.

B. The model should be encouraged to set examples for all others.

Response: Agree in part. The models referenced in the Grand Jury report represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3) commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

C. Citizens are joining together to identify problems and to finally do something.

Response: Agree.

5. Storm Water Runoff and the Wastewater Department – Management:

- A. The total volume of polluted storm water spills into the Pacific Ocean has increased in the past two years.**
- B. Considerable funds have been spent for current mechanism to detect sewage spills.**
- C. Tecolote is a known problem area.**
- D. Known problem areas are not monitored effectively after a rain.**
- E. The Metropolitan Wastewater Department is not operating in an effective manner.**
- F. Wastewater Management does not accept responsibility for the spills.**

Response:

The findings of Section 5 only relate to the City of San Diego's Metropolitan Wastewater Department and need not be addressed in this response.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

- 01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.**

Response: The recommendation has been implemented. The City of Chula Vista has two full time staff members and other staff from our internal departments dedicated to compliance with the requirements of RWQCB Order No. 2001-01. The City of Chula

Vista has requested additional positions as part of the 2001-02 Fiscal Year budget to enable compliance with the new and expanded requirements of the Order. The City of Chula Vista strives to hire trained and experienced staff to enable compliance with RWQCB Order No. 2001-01.

01-147: Design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.

Response: This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of Chula Vista initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittees. The current Receiving Waters Monitoring Program is currently being modified to conform with the new requirements of RWQCB Order No. 2001-01 and will be submitted by August 20, 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.

Response:

The recommendation has been implemented. The City of Chula Vista is working within our internal departments to coordinate implementation of RWQCB Order No. 2001-01.

01-149: Explore outside funding of programs (such as grants), which will reduce the number of beach closures.

Response: The City of Chula Vista is always looking for outside funding grants and resources, and other NPDES financing resources and mechanism to assist in the study, design and implementation of all of the City programs. We also have instituted a Storm Drain Fee that is collected as part of the sewer bill.

01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Response: Agree in part. The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. RWQCB Order 2001-01 requires municipalities to impose requirements on land for new development projects and those undergoing significant redevelopment. The Copermittees are developing the model Standard Urban Storm Water Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2002. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices also to reduce pollutants and peak storm flows to pre development conditions.

That the Lead Watershed Permittee

01-151: Identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.

Response: This is not an appropriate role for Lead Watershed Permittees. Sewage spills are the responsibility of wastewater agencies or and/or other responsible parties. Under Order No. 2001-01, Lead Watershed Permittees assume no responsibility for tracking, monitoring, or checking areas of sewage "hot spots" except within their own sole jurisdiction. The role of the Lead Watershed Permittee under RWQCB Order No. 2001-01 is to coordinate the development of a Watershed URMP designed to identify and address potential sources of storm water pollution.

Should you have any questions, or if you need further information, please contact Muna Cuthbert, Civil Engineer, at (619) 691-5278. Thank you.



JOHN P. LIPPITT
DIRECTOR OF PUBLIC WORKS

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CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118-3099

RECEIVED

AUG 20 2001

**SAN DIEGO
COUNTY GRAND JURY**

OFFICE OF THE CITY MANAGER
TEL. (619) 522-7335
FAX. (619) 522-7846

August 16, 2001

Patrick F. Culkin, Foreman
Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, California 92101-3830

Dear Mr. Culkin:

We appreciate for the opportunity to respond to the Grand Jury Report on behalf of the City of Coronado.

Attached is our response to the Grand Jury Report's findings and recommendations.

Should you have any questions regarding these responses, please contact Scott W. Huth, Director of Public Services, at (619) 522-7380.

Sincerely,

Mark J. Ochendusko
City Manager

Attachment

San Diego County Grand Jury 2000-2001

“Why Are Beaches Closed?”

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response:

Agree. It is Coronado's opinion that any beach closure is excessive and a cause for further investigation and corrective action. Coronado's Pollution Prevention Programs are aimed at preventing polluted discharges from entering the ocean and bay. In 2000, Coronado water quality sample sites along its beaches were tested over 600 times (year round), resulting in 98% of the 600 tests meeting safe recreational water use standards. The remaining 2%, or 13 tests, led to the closure of certain limited beach areas. The closures are summarized in the following manner: Coronado Main Beach – two closures at North Beach and three at Avenida del Sol; Tidelands Park beach area – six closures; and Silver Strand State Beach – two closures. **IN NO CASE WERE** these closures caused by Coronado discharging storm water, ground water or urban runoff; nor were there any sewage spills emanating from Coronado. In reviewing these closures, it appears that the closures of Tidelands Park and the Silver Strand State Beach, as well as certain closures at Coronado Main Beach, were the result of spills originating in other cities (San Diego and Tijuana). These plumes eventually reached Coronado's shorelines. Some of the closures at Avenida del Sol could also be attributed to spills originating from Mexico or the South Bay ocean outfall. Furthermore, we have hypothesized (in consultation with other agencies) that some of the closures at Avenida del Sol could have been associated with increased avian activity in the area due to an abundance of shellfish in the tidal zone. We are continuing to monitor and research these variables.

B. When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response:

Agree.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage at 20 feet can result in water which is free of coliform organisms.

Response:

Agree. In the City of Coronado, however, the groundwater depth in most cases is well above 20 feet, therefore the ability to use structural BMPs designed as a percolation treatment method for runoff is limited.

2. Pollutants in Urban Runoff:

- A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.**

Response:

Agree. A distinction should be made between closures and postings, both of which appear to be within the intended scope of the Grand Jury's comments. The California Health & Safety Code, Section 115885 requires the closure of a beach when a sewage release is known to have reached recreational waters until those waters are determined to be in compliance with standards established in regulations. The act of closing the beach is a preventive public health action to avoid the public's exposure to pathogens that are commonly found in sewage. As noted by the Grand Jury, the presence of pathogens is not tested directly, but is instead indirectly assessed by testing for indicator bacteria (total coliform bacteria, fecal coliform bacteria, and enterococcus). Indicator bacteria are not pathogenic but they are typically associated with pathogenic bacteria, thereby avoiding extremely expensive and time consuming testing using pathogenic bacteria. With respect to sewage, there is ample scientific evidence to demonstrate the relationship of these indicators to the presence of pathogens.

A second action that is frequently taken for recreational waters is the posting of advisory signs that warn the public when routine testing reveals violations of State bacteriological standards. In most instances, these exceedances are thought to be caused by discharges of urban runoff to recreational waters. As above, testing is conducted to determine levels of indicator bacteria. However, unlike sewage, the relationship of indicator bacteria to pathogens is not as firmly established for urban runoff. There is a great deal of ongoing research, both locally and elsewhere, to better characterize this relationship.

- B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacterial gastroenteritis and hepatitis.**

Response:

Agree.

- C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.**

Response:

Agree in part. Weekly testing for enterococcus is required from April through October. In Coronado, the County Environmental Health Department performs this testing. In addition to this required testing, Coronado voluntarily tests two additional times per week throughout the year. The test method for enterococcus used has an incubation period of 24 hours, not 20 days.

- D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.**

Response:

Agree. In Coronado the City of Coronado, the San Diego County Department of Environmental Health and the San Diego Metropolitan Wastewater Department (METRO) perform water quality testing along Coronado's shore. The County of San Diego, as the local health officer, is the agency that determines the need for closing a beach based on the samples taken by all three agencies. Coronado will also post and/or close our beaches if we suspect there is a potential health risk.

- E. It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.**

Response:

Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean or bay. However, Coronado's situation, i.e., surrounded by the ocean and bay, has made dry/wet weather diversion structures a necessity to help protect our coastal resources.

- F. During the year 2000 there is estimated to have been 39,635,858 visits to ocean beaches including Mission Bay. The economic impacts of these visits are direct and local as well as indirect and extended.**

Response:

Agree. Tourism is a major economic resource for Coronado. Coronado's Main Beach has consistently been rated in the top ten in the United States, and is world-renowned.

- G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out-of-town visitors.**

Response:

Agree.

- H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

- I. Direct revenues estimated for the year 2000 at the beaches in San Diego County - \$5.75 million.**
- J. Direct, indirect and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.**

Responses to H, I, J:

No position on "The Fiscal Impact of Beaches in California" report. Coronado agrees with the inferences in the report which indicate that our local beaches play a vital economic role in our economy and therefore affect our quality of life.

3. Watersheds in the County of San Diego:

A. A Watershed URMP requires four disciplines for proper management:

- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water);**
- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry; and**
- **Aquatic Ecology (fauna and flora).**

Response:

Agree. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response:

Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board has found that the 20 copermittees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The SDRWQCB, in Order No. 2001-01, has placed those ten watersheds into nine groups that will each require a Watershed Urban Runoff Management Program.

- C. Watershed responsibility is shared with the copermittees of the watershed.**

Response:

Agree.

- D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.**

Response:

Agree. SDRWQCB Order No. 2001-01 requires that BMPs reduce pollution in stormwater to the "maximum extent practicable." Copermittee programs as a whole must also ensure protection of water quality. SDRWQCB Order No. 2001-01 does not make copermittees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for stormwater.

- E. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.**

Response:

Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by SDRWQCB Order No. 2001-01, which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

- F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.**

Response:

Agree. In combination with regional programs and jurisdictional URMPs, water URMPs are a necessary part of overall water quality management efforts.

- G. Grease and roots cause the greatest number of spills.**

Response:

Agree. During 2000 grease and roots were the cause of approximately 50% of the blockages/spills recorded in Coronado. In 2000, no spills reached receiving waters (ocean or bay) from Coronado.

- H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.**

Response:

No position. We are unfamiliar with the maintenance practices in “backcountry areas.”

- I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).**

Response:

No position in relation to the region. Disagree as this finding relates to Coronado. In 1999 in Coronado there were 45 spills, two of which reached the bay, for a total of 2,200 gallons being discharged. In 2000, there were 23 sewer spills, none of which reached the bay or ocean. Coronado’s efforts led to an approximately 50% reduction in spills and a total reduction of spills reaching receiving waters.

4. Public Awareness and Activism:

- A. Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.**

Response:

Agree. Urban runoff management requires the participation of everyone.

- B. The model should be encouraged to set examples for all others.**

Response:

Coronado has implemented most of the program items identified in these models and, in many cases, has exceeded the efforts identified in these models, specifically in the areas of public outreach, municipal cleaning BMPs, and water quality sampling.

- C. Citizens are joining together to identify problems and to finally do something.**

Response:

Agree.

5. Stormwater Runoff and the Wastewater Department, Management

- A. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.**

Response:

Disagree in part. We believe that the total volume of “polluted stormwater spills” has not measurably changed. The volume of “sewage spills” discharged into receiving waters has increased regionally. Coronado has significantly reduced these spills over the last two years.

- B. Considerable funds have been spent for current mechanism to detect sewage spills.**

Response:

Agree.

- C. Tecolote is a known problem area.**

Response:

No position. Coronado has no empirical evidence to support this finding regarding an area in the City of San Diego.

- D. Known problem areas are not monitored effectively after a rain.**

Response:

No position as this funding relates to the region. Disagree as it relates to Coronado.

- E. The Metropolitan Wastewater Department is not operating in an effective manner.**

Response:

No position. The City of Coronado has no empirical data to support or refute this finding.

- F. Wastewater Management does not accept responsibility for the spills.**

Response:

No position. Coronado has no information regarding this finding.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

- 01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.**

Response:

Coronado has already implemented this recommendation. Coronado has one full-time Stormwater staff member and ten other employees, the majority of whose workload is dedicated to Coronado's Stormwater Pollution Prevention Program. All 216 City employees have a role in the "Coronado Clean Coastlines" Pollution Prevention Program. The main responsibility of this Program is to ensure compliance with SDRWQCB Order 2001-01. Coronado has also recently added one new position to its Wastewater crew to ensure a higher level of maintenance of its sewer system in order to avoid sewer spills.

- 01-147: Design, create, fund, and implement a Storm Water Management Program, Storm Water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.**

Response:

This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with SDRWQCB Order No. 2001-01. Coronado initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of SDRWQCB Order No. 2001-01.

Coronado has also worked with other copermittees to jointly conduct a Receiving Waters Monitoring Program since the 1993-94 wet weather season. Funding for this program is shared by all the copermittees. The current Receiving Waters Monitoring Program is currently being modified to conform to the new requirements of SDRWQCB Order No. 2001-01 and will be submitted by August 20, 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

- 01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.**

Response:

The recommendation has been implemented. Coronado is working within our internal departments and with the Port District, CalTrans and the Navy to coordinate implementation of SDRWQCB Order No. 2001-01.

- 01-149: Explore outside funding of programs (such as grants) which will reduce the number of beach closures.**

Response:

The recommendation has been implemented. Coronado has sought and will continue in the future to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures and other water quality impacts. Coronado currently has an approved Prop. 13/Clean Beach project funded in the amount of \$1 million to be used for maintenance access ports and dry/wet weather diversion structures which will enhance our ability to protect our coastal waters.

- 01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.**

Response:

This recommendation will not be implemented because it is neither warranted nor reasonable within Coronado. Coronado is essentially totally built-out. The conversion of open developable area is limited to mainly single residential or commercial lots which number less than ten. Coronado, however, will be complying with the SDRWQCB Order No. 2001-01 which requires municipalities to impose requirements on new land development projects and those undergoing significant redevelopment to deal with the effects of more impervious surfaces and the pollutants which are discharged from these sites. The copermittees are developing the model Standard Urban Mitigation Plan (SUSMP) that will be submitted to SDRWQCB for their approval by February 21, 2001. Following approval by the SDRWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.



City of Del Mar

1050 Camino Del Mar - Del Mar, California 92014-2698

Where the Turf meets the Surf

RECEIVED

AUG 2 2001

**SAN DIEGO
COUNTY GRAND JURY**

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

AUG 01 2001

By: C. NEPOMUCENO, Deputy

July 31, 2001

The Honorable Wayne L. Peterson
Presiding Judge
San Diego Superior Court
220 West Broadway
San Diego, California 92101

SUBJECT: San Diego County Grand Jury Report -- Why are the Beaches Closed?

Dear Presiding Judge Peterson:

On behalf of the City of Del Mar, I would like to respond to the San Diego County Grand Jury Report entitled "Why are the Beaches Closed?" dated May 31, 2001.

The County of San Diego has circulated a response to the findings and recommendations of the report. Although the City has not had sufficient time to thoroughly analyze each response to the Grand Jury findings, the County's response appears to address our concerns. In general, Del Mar concurs with the County's response to the findings.

The following are our comments on the individual recommendations 01-146 through 01-150 follow:

01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.

Comment: The recommendation is being implemented. Each agency within the nine watersheds are hiring staff or professional firms to address the requirements of RWQCB Order No. 2001-01. The City of Del Mar's contract engineering firm PBS&J, includes a team of professionals who are developing a program to implement the Order requirements.

01-147: Design, create, fund, and implement a Storm Water Management Program, Storm Water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.

Comment: This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of Del Mar initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time, the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittees. The existing Receiving Waters Monitoring Program is being modified to conform with the new requirements of RWQCB Order No. 2001-01.

The City is currently using general fund revenues to fund the stormwater program. The City's Finance & Utility Advisory Committees are tasked with seeking and/or establishing long term funding sources for the City's stormwater program.

01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.

Comment: The recommendation has been implemented. All affected departments are to coordinating the implementation of RWQCB Order No. 2001-01.

01-149: Explore outside funding of programs (such as grants) which will reduce the number of beach closures.

Comment: The City has sought and will continue in the future to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures and other water quality impacts. Unfortunately, the grant opportunities are not as extensive as we would like.

01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Comment: The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order 2001-01 requires municipalities to impose requirements on land new development projects and those undergoing significant redevelopment. The Copermittees are developing

The Honorable Wayne L. Peterson

July 31, 2001

Page 3 of 3

the model Standard Urban Stormwater Mitigation Plan (SUSMP) that will be submitted to RWQCB for its approval. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.

If you have any questions regarding these comments do not hesitate to contact me or please call Mikhail Ogawa, Senior Engineer and NPDES coordinator at (760) 753-1120.

Sincerely,

A handwritten signature in black ink that reads "Lauraine Brekke-Esparza". The signature is fluid and cursive, with the first name "Lauraine" being the most prominent part.

Lauraine Brekke-Esparza
City Manager

cc: Mayor and Council
Mikhail Ogawa, Senior Engineer & NPDES Coordinator
San Diego County Board of Supervisors

CITY OF EL CAJON

RECEIVED

AUG 30 2001

August 30, 2001

The Honorable Wayne L. Peterson
Presiding Judge
220 West Broadway
San Diego, CA 92101

RECEIVED

SEP 04 2001

SAN DIEGO
COUNTY GRAND JURY

Attn: Presiding Judge

**Subject: San Diego County Grand Jury 2000-2001 Report "Why are the
Beaches Closed"**

This letter represents the City of El Cajon's comments regarding the San Diego County Grand Jury Report filed May 31, 2001, titled "Why are the Beaches Closed?". Many of the findings of this report deal directly with testing of ocean water and criteria for closing beaches. The City of El Cajon is not familiar with all regulations and protocol for beach testing and criteria for closing beaches for public safety. Responses to these findings are based on information from the County Department of Environmental Health.

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response:

Agree in part. Any number of beach closures should be considered excessive and cause for further investigation.

B: When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response:

Agree. This statement is generally true.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response:

Agree. We agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms.

2. Pollutants in Urban Runoff:

- A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.**

Response:

Agree. When concentrations of pathogens are determined to be high, whether due to man made or natural sources the public is restricted from the area for public safety.

- B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.**

Response:

Agree. These are all examples of diseases that can be contracted via water contact.

- C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.**

Response:

Agree in part. Weekly testing for enterococcus is required from April through October, but the test does not have a 20-day incubation period. The test method used has an incubation period of 24 hours.

- D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.**

Response:

Finding 2.d. does not pertain to matters under the control of the City of El Cajon.

- E. It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.**

Response:

Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams. However, depending on future progress, a greater reliance on structural controls, including dry weather diversion, may be needed.

- F. During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impacts of these visits is direct and local as well as indirect and extended.**

Response:

Agree. Tourism is a major factor in the regional economy, and much of the tourist industry in San Diego County is focused on local beaches.

- G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.**

Response:

Agree.

- H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

- I. Direct revenues estimated for the year 2000 at the beaches in San Diego County \$5.75 million.**

- G. Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.**

Response to H,I,J:

The fiscal impact report considers all the beaches in the State of California as a whole and does not appear to address San Diego County. The method for extrapolation of monetary numbers could not be determined.

3. Watersheds in the County of San Diego:

- A. A Watershed URMP requires four disciplines for proper management:**

- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water)**
- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry;**
- **Aquatic Ecology (fauna and flora).**

Response:

Agree in part. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response:

Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 copermittees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The RWQCB, in Order No. 2001-01, has placed those 10 watersheds into 9 groups that will each require a Watershed Urban Runoff Management Program.

C. Watershed responsibility is shared with the copermittees of the watershed.

Response:

Agree.

D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.

Response:

Agree. RWQCB Order No.2001-01 requires that BMPs reduce pollution in stormwater to the "maximum extent practicable". Copermittee programs as a whole must also ensure protection of water quality. RWQCB Order No. 2001-01 does not make copermittees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for stormwater.

E. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.

Response:

Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01, which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

- F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.**

Response:

Agree. In combination with regional programs and jurisdictional URMPs, watershed URMPs are a necessary part of overall water quality management efforts.

- G. Grease and roots cause the greatest number of spills.**

Response:

Agree.

- H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.**

Response:

Disagree. Sewer facilities within canyons or other natural areas of El Cajon are maintained and monitored routinely as part of our overall sewer maintenance program. Each public agency responsible for the maintenance of their sewer system provides different levels of service. El Cajon has maintained a high level of service for all city sewer facilities.

- I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).**

Response:

Disagree. The City of El Cajon has an aggressive sewer maintenance program dedicated to the cleaning, inspection, and maintenance of all city sewer mains. Our City developed the sewer maintenance program in order to remove partial blockages, and identify necessary repairs, all in an effort to prevent sewer spillages. All sewer mains are cleaned, inspected, and maintained at least every eighteen months, and siphons, and identified problem areas are maintained on a quarterly basis. To facilitate this effort, the Public Works Department has developed a computerized sewer maintenance database for tracking and scheduling the cleaning and maintenance operations. This aggressive maintenance program has virtually eliminated sewer main blockages and related overflows in the City of El Cajon over the past ten years. This Finding may be accurate for Metro Wastewater or the City of San Diego, however this is not an accurate Finding for the City of El Cajon.

4. Public Awareness and Activism:

- A. Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of**

implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.

Response:

Agree. Urban runoff management requires the participation of everyone. Encinitas, the City of San Diego, and the Port of San Diego are all examples of programs being implemented in response to stormwater runoff problems.

B. The model should be encouraged to set examples for all others.

Response:

Agree in part. The models referenced in the Grand Jury report represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3) commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

C. Citizens are joining together to identify problems and to finally do something.

Response:

Agree. There are many excellent examples of locally initiated efforts to identify and respond to specific water quality problems in the San Diego region.

5. Stormwater Runoff and the Wastewater Department – Management:

- A. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.**
- B. Considerable funds have been spent for current mechanism to detect sewage spills.**
- C. Tecolote is a known problem area.**
- D. Known problem areas are not monitored effectively after a rain.**
- E. The Metropolitan Wastewater Department is not operating in an effective manner.**
- F. Wastewater Management does not accept responsibility for the spills.**

Response:

The findings of Section 5 only relate to the City of San Diego's Metropolitan Wastewater Department and need not be addressed in this response.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

- 01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.**

Response:

This recommendation has been implemented. The City of El Cajon has hired staff to implement the requirements of RWQCB Order No. 2001-01. El Cajon has established additional positions as part of the 2001-02 Fiscal Year budget to enable compliance with the new and expanded requirements of the Order. The City of El Cajon strives to hire trained and experienced staff.

- 01-147: Design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.**

Response:

This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of El Cajon initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the El Cajon has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittees. The current Receiving Waters Monitoring Program was modified to conform with the new requirements of RWQCB Order No. 2001-01 and was submitted to the RWQCB in August 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

- 01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.**

Response:

This recommendation has been implemented. The City of El Cajon is working within our internal departments to coordinate implementation of RWQCB Order No. 2001-01.

- 01-149: Explore outside funding of programs (such as grants) that will reduce the number of beach closures.**

Response:

This recommendation has been implemented. The City of El Cajon has sought and will continue in the future to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures and other water quality impacts. Attached is City Council Resolution No. 9-01 titled "Resolution Supporting Two Proposition 13 Grant Applications for Storm Water Projects."

01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Response:

Agree in part. The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order 2001-01 requires municipalities to impose requirements on new land development projects and those undergoing significant redevelopment. The Copermittees are developing the model Standard Urban Storm Water Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2001. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.

Sincerely,



Bill Garrett
City Manager

Enclosure

c: San Diego County Grand Jury
Hall of Justice
330 W. Broadway, Suite 477
P.O. Box 92101-3830
San Diego CA 92101-3830

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**CITY OF
ESCONDIDO**
201 NORTH BROADWAY
ESCONDIDO, CA 92025

Rolf Gunnarson
City Manager
(760) 839-4631, FAX (760) 839-4578

June 15, 2001

Presiding Judge of the Superior Court
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

FILED
STEPHEN THUNBERG
Clerk of the Superior Court
JUN 19 2001
By: C. NEPOMUCENO, Deputy

Re: Response to May 31, 2001 San Diego County Grand Jury Report: "Why are the Beaches Closed?"

The Honorable Judge Peterson:

The City of Escondido is in receipt of the Grand Jury's May 31, 2001 Report, "Why are the Beaches Closed?" and has prepared the following responses to the findings and recommendations as directed.

Findings

1. *Pollution of the Coastal and Bay Waters of San Diego County*

The City generally agrees with the report's findings in this section.

2. *Pollutants in Urban Runoff*

Generally the City agrees with these findings.

3. *Watersheds in the County of San Diego*

Generally the City agrees with the findings in this section, however, in Escondido, the number of sewage spills has decreased significantly over the past 5 years due to an aggressive sewerline maintenance and pretreatment/industrial waste inspection programs.

4. *Public Awareness and Activism*

Generally the City agrees with these findings but is unclear as to what model is being identified in section b.

5. *Stormwater Runoff and the Wastewater Department-Management*

This section of findings reflects only on the City of San Diego Metropolitan Wastewater Department's activities and not on Escondido's wastewater collections and sewerline maintenance operations.

Lori Holt Pfeiler, Mayor
June Rady, Mayor Pro Tem
Tom D'Agosta
Ed Gallo
Marie Waldron

Recommendations

Recommendation 01-146: *employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB, Ordinance 2001-01.* The City of Escondido employs numerous qualified staff members that assist in the development and implementation of the requirements of Order No. 2001-01. Escondido has implemented or will soon have implemented most of the permit-required programs for both jurisdictional and for at least one of the 2 watersheds of which Escondido is a participant. If this is a recommendation to employ additional personnel outside of City staff for each watershed, it may not be necessary.

Recommendation 01-147: *design, create, fund, and implement a Storm Water Management Program, Storm Water Pollution Plan, Urban Runoff Management Plan, or equivalent, which included a comprehensive and representative storm water/urban runoff discharge monitoring program.* Established in 1994 to comply with the NPDES permit, the City's Storm Water and a fee assessed on all Escondido properties supports Urban Runoff Management Program. Comprehensive in scope, the City's Storm Water Program includes a range of monitoring, screening, maintenance, management and education programs aimed at reducing or eliminating non-storm runoff discharges. Some of the key programs include the following: 1) participation in a regional Wet Weather Monitoring Program, 2) a Stream Discharge Monitoring Program, which provides quarterly baseline monitoring of Escondido Creek; 3) a Dry Weather Monitoring Program, which detects the existence of illicit connections to the storm drainage system or the system's use for illegal discharges; 4) a Pretreatment/Industrial Waste Monitoring Program, which monitors for potential commercial and industrial/illegal connections and discharges; 5) a Sewer Collections System Maintenance Program, which reduces the number and amount of sewer overflows through routine sewer line cleaning and surveillance of older facilities and of locations identified as priorities; 6) Best Management Practices (BMPs), which are developed and implemented on an ongoing basis to reduce, control, and eliminate pollutants in discharges to the storm water conveyance system; 7) Public Education, where the City supports regional outreach efforts as well as local education efforts to increase residents' and businesses' understanding of storm water issues; 8) Internal Staff Education, which distributes Storm Water Program and compliance requirement materials to City departments and divisions; 9) Storm Water Facilities Management and Maintenance Program, which is a comprehensive project designed to improve the water quality in the Escondido and Reidy Creek channels; 10) Erosion and Sediment Control, which includes ordinances that address important storm water elements during grading, construction and development, as well as ongoing monitoring of construction sites; 11) a City Hotline, which supports information and outreach programs aimed at reducing illegal dumping; and 12) Recycling programs for

both residents and businesses. Drain inserts, increased street sweeping operations, and animal litter abatement through education outreach are other activities the City conducts to prevent or reduce pollutants in storm water runoff.

Recommendation 01-148: to establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach. Escondido employs qualified staff who are currently implementing the plan, which is detailed in the response to Recommendation 01-147. In addition, the City of Escondido has created the City Storm Water Management Group comprised of key City staff members that represent a broad range of departments and diverse operational levels within the City including: Public Works, Fire, Planning, Engineering, Field Engineering, Code Enforcement, City Attorney, City Manager, Utilities Administration, Water Quality Lab Ops, Collections, and GIS. This group meets on a monthly basis to discuss and coordinate their mutual efforts, including ongoing efforts to manage storm water runoff, as well as more recent efforts to meet the goals, objectives, and deadlines of Ordinance 2000-01.

Recommendation 01-149: explore outside funding of programs (such as grants) which will reduce the number of beach closures. In the first round of Proposition 13 grant proposals, the City provided letters of support for watershed management planning applications for both the San Dieguito River watershed and the Escondido Creek watershed.

Recommendation 01-150: prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction. The City of Escondido is modifying its General Plan, grading ordinances and plan review process to better address urban runoff and to comply with the new Storm Water Permit. In addition, the City is working with other agencies to create a model SUSMP to reduce pollutants and runoff flows that result from new development and significant redevelopment projects. In addition to reducing urban runoff, the City has also taken steps to prevent it by preserving significant areas of open space within its immediate urban area. Recently, the City acquired 3,000 acres of land called Daley Ranch that is part of the Escondido Creek watershed. Set aside as open space, Daley Ranch will remain virtually undisturbed in perpetuity. Originally scheduled to be a 1,700-unit single-family home development, the Daley Ranch Property constitutes 14 percent of the total land in the City of Escondido. By maintaining the property as a biological preserve, the City prevented additional street and drainage infrastructure development that would have created significant impacts on adjacent water quality. The City of Escondido is also undertaking the Escondido Creek Enhancement and Flood Control Project, which will improve water quality in this part of the watershed.

Response to May 31, 2001 Grand Jury Report

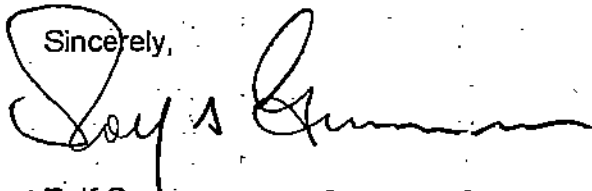
June 15, 2001

Page 4

Recommendation 01-151: *identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.* This recommendation is to be answered by Lead Watershed Permittees. Please be advised that although the City of Escondido is identified as the lead watershed copermitee for the San Dieguito Watershed in your May 31, 2001 report, the City of San Diego has assumed this responsibility and will respond to the Grand Jury's recommendation accordingly.

The City of Escondido is proud of the steps that have been taken by the City to date to improve water quality and implement the requirements of Order 2001-01. Additional efforts will continue to assure compliance with permit conditions. The City appreciates the opportunity to respond to your report.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Rolf Gunnarson', written over a circular stamp.

Rolf Gunnarson
City Manager



RECEIVED

AUG 14 2001

**SAN DIEGO
COUNTY GRAND JURY**

City of La Mesa

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

AUG 13 2001

By: C. NEPOMUCENO, Deputy

August 10, 2001

The Honorable Wayne Peterson
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92112

SUBJECT: San Diego Grand Jury 2000-01 Report of May 31, 2001.

Dear Judge Peterson:

As a Copermittee in the National Pollutant Discharge Elimination System (NPDES) for storm water discharge (Order No. 2001-01), the City of La Mesa is required to respond to the Grand Jury 2000-01 Report of May 31, 2001. Although we are concerned about the frequency of the beach closures, the City of La Mesa is not a coastal community and therefore we have no comments on the beach closures.

We agree generally with the Grand Jury findings regarding the impact of the urban runoff on storm water pollution. However, the City of La-Mesa would like to respond to the following findings and recommendations contained in the Grand Jury Report which we tend to disagree with. These are:

2. Pollutants in Urban Runoff

• **Finding:**

- d. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.**

• **Response:**

Finding 2.d. does not pertain to matters under the control of the (Copermittee). We are not required to collect water samples or determine the need for closing a beach. The County of San Diego, as the local health officer, is required to perform those tasks.

3. Watersheds in the County of San Diego:

- **Findings:**

- a. **A Watershed URMP requires four disciplines for proper management:**

- **Hydraulics (the chemical reaction in which a compound reacts with the ions of water)**
 - **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
 - **Water Chemistry;**
 - **Aquatic Ecology (fauna and flora).**

- **Response:**

Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

- - e. **Development and implementation of containment for stormwater runoff is best planned within the entire watershed.**

- **Response:**

We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01, which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

- - h. **The backcountry and canyons are not monitored routinely, cleaned and trees and brush removed from around the conduits.**

- **Response:**

This finding is unclear as to what backcountry is being referenced. In addition, it is unclear whether "conduits" is a reference to road culverts in rural areas, or to buried pipes in urban-area canyons.

4. Public Awareness and Activism

- **Finding:**
 - b. The model should be encouraged to set examples for all others.**
- **Response:**

The models referenced in the Grand Jury represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3) commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

- **01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.**
- **Response:**

The recommendation has been implemented. The City of La-Mesa has a civil engineer and consultants that are dedicated to compliance with the requirements of RWQCB Order No. 2001-01. The City is evaluating program requirements and allocating additional resources as needed to implement the programs required by Order No. 2001-01.
- **01-147: Design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.**
- **Response:**

This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of La Mesa initially developed

and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993-94 wet weather season. Funding for this program is shared by the Copermittees. The current Receiving Waters Monitoring Program is currently being modified to conform with the new requirements of RWQCB Order No. 2001-01 and will be submitted by August 20, 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

- **01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.**
- **Response:**
The recommendation has been implemented. The City of La-Mesa's Department of Public Works, Community Development, Finance, and Police are working together to coordinate implementation of RWQCB Order No. 2001-01.
- **01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.**
- **Response:**
The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order 2001-01 requires municipalities to impose requirements on new development and significant redevelopment projects. The Copermittees are developing the model Standard Urban Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2002. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.

Honorable Wayne Peterson, Presiding Judge of the Superior Court
SUBJECT: San Diego Grand Jury 2000-01 Report of May 31, 2001.
July 31, 2001
Page 5

That the Lead Watershed Permittee

- **01-151: Identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.**
- **Response:**
The City of La-Mesa owns and operates a sanitary sewer collection system. The City has in place an effective preventive maintenance program and is implementing a sewer overflow prevention program. Currently the City focuses most of its frequent maintenance efforts on areas with grease and root problems. There are, however, occasional accidental sewer spills which are not usually predictable or preventable.

Respectfully submitted,



David N. Wear
City Manager

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cc: Mayor and Council Members



**City of National City
Office of the City Engineer**

1243 National City Blvd., National City, California 91950-4397
(619) 336-4380

ORIGINAL

RECEIVED

July 24, 2001

JUL 30 2001

**SAN DIEGO
COUNTY GRAND JURY**

Presiding Judge of the Superior Court
County of San Diego
Hall of Justice
330 West Broadway, Suite #477
San Diego, CA 92101-3830

Subject: San Diego County Grand Jury 2000-01 Report "Why Are The Beaches Closed?" City of National City Response on the Findings and the Recommendations in the Report

On May 24, 2001, the City of National City received an advanced copy of a Report by the San Diego County Grand Jury 2000-2001 dated May 31, 2001, titled "Why are the Beaches Closed?" National City is providing the following comments on the findings and the recommendations (01-146 through 01-150) which are made in the report.

FINDINGS

1. Pollution of the Coastal and Bay Waters of San Diego County

- a. **Beach closures are excessive.** The respondent agrees with the finding.
- b. **When land is developed stormwater runoff increases because there is less land to absorb water.** The respondent agrees with the finding.
- c. **As man made structures cover more land there is less land for natural water seepage. Natural seepage of 20 feet can result in water, which is free of coliform organisms.** The respondent agrees with the finding.

2. Pollutants in Urban Runoff

- a. **Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci. The respondent agrees with the finding.**
- b. **Some water-born pathogenic diseases include salmonella, typhoid fever, viral and bacterial gastroenteritis and hepatitis. The respondent agrees with the finding.**
- c. **Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium. The respondent agrees with the finding.**
- d. **The proper protocol for the collections of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours. The respondent agrees with the finding.**
- e. **It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams. The respondent agrees with the finding.**
- f. **During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impact of these visits is direct and local as well as indirect and extended. *The respondent generally agrees with the statement, but cannot verify the number of visits to the beach.***
- g. **Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of travelling to and from the beach. This is especially true of the out of town visitors. The respondent agrees with the finding.**
- h. **The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California", Public Research Institute, San Francisco State University, September 1999. The respondent agrees with the finding.**
- i. **Direct revenues estimated for the year 2000 at the beaches in San Diego County-\$5.75 Million. The respondent is not able to verify the extrapolated data.**

- j. **Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County-\$3 Billion.** The respondent is not able to verify the extrapolated data.

3. Watersheds in the County of San Diego

- a. **A watershed URMP requires four disciplines for proper management:** The respondent agrees with the finding.
- Hydrolics (the chemical reaction in which a compound reacts with the ions of water);
 - Hydrology (The science of dealing with the waters of the earth their distribution on the surface and underground and the cycle involving evaporation, precipitation, and flow to the ocean);
 - Water Chemistry.
 - Aquatic Ecology (fauna and flora).
- b. **Nine of the watersheds in San Diego County drain into the ocean, bays, and some lakes.** The respondent agrees with the finding.
- c. **Watershed responsibility is shared with the copermittees of the watershed.** The respondent agrees with the finding.
- d. **Development of BMP's and BAT's will need to demonstrate to the RWQCB that proper management techniques are in position.** The respondent agrees with the finding.
- e. **Development and implementation of containment for stormwater runoff is best planned within the entire watershed.** The respondent agrees with the finding.
- f. **Watershed URMP needs to be developed and implemented to control pollutants in the lakes, streams, and the ocean.** The respondent agrees with the finding.
- g. **Grease and roots cause the greatest number of spills.** The respondent agrees with the finding.
- h. **The back country and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.** The respondent agrees with the finding.

- i. **The total number of spills has not varied significantly but the volume of the spills has increased considerably.** The respondent does not have specific data on the volume of the spills.

4. Public Awareness and Activism

- a. **Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the San Diego Unified Port District.** The respondent agrees with the finding.
- b. **The model should be encouraged to set examples for all others.** The respondent agrees with the finding.
- c. **Citizens are joining together to identify problems and to finally do something.** The respondent agrees with the finding.

5. Stormwater Runoff and the Wastewater Department-Management

- a. **The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.** The respondent agrees with the finding. The respondent also realizes that a lot of the Pacific Ocean Spills is due to our neighbor to the South, Mexico.
- b. **Considerable funds have been spent for current mechanism to detect sewage spills.** The respondent agrees with the finding.
- c. **Tecolote is a known problem area.** The respondent agrees with the finding.
- d. **Known problem areas are not monitored effectively after a rain.** The respondent agrees with the finding.
- e. **The Metropolitan Wastewater Department is not operating in an effective and productive manner.** The respondent disagrees with this finding. All of the interaction that the City of National City has had with the Metropolitan Wastewater Department has been very positive. To our knowledge the Metropolitan Wastewater Division has been very sensitive in their dealing with any of their spills in National City.

- f. **Wastewater Management does not accept responsibility for the spills.** The respondent disagrees with this finding. To our knowledge the Wastewater Management Department has responded to all known spills within National City, and has always attempted to completely remediate their problems.

RECOMMENDATIONS

- 01-146: **Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB, Ordinance 2001-01.**

The City Council has approved the following expenditures in the FY 2001-02 Preliminary Budget for the implementation of the California Region Order No. 2001-01 NPDES Permit.

1. Account 001-422-000-399 – Contract Services in Public Works - \$255,000.00. This account will be used to fund the implementation of the California Regional Water Quality Control Board San Diego Region Order No. 2001-01 NPDES permit.
2. Account 001-422-221-101 – (\$62,000/per year) Add 2 maintenance workers to the City staff to provide additional maintenance for the cleaning of City drainage facilities. (These workers will be hired for ½ of Fiscal Year 2001-2002 and be full-time, permanent in future Fiscal Years).
3. Capital Improvement Project #2014 - \$300,000 for Phase II of the Sanitary and Storm Sewer Master Plan. This project will continue with the cleaning, videoing, and inspecting of the existing Sanitary and Storm Sewage systems. Last year \$600,000 was spent on Phase I.

The first year of the permit/program will be used to develop a procedure to administer the new program, along with determining how this program should be staffed. Until those decisions are made the program will be managed by utilizing existing personnel.

- 01-147: **Design, create, fund, and implement a Storm Water Management Program, Storm Water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.**

Refer to the answer to Recommendation No. 01-146. All of the recommended areas of concern as addressed in this recommendation will be developed as part of the implementation of the NPDES Permit.

In order to develop a common plan of work to manage runoff, National City along with all of the other Cities in San Diego County, San Diego County, and the Unified Port District have joined together under one permit (All of us are Co-Permittee) to develop a common plan.

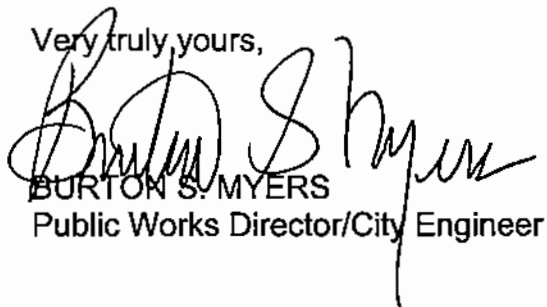
01-149: Explore outside funding of program (such as grants) which will reduce the number of beach closures.

National City is always looking for outside funding and grants to help with all of the City programs. Presently the City Contracts with Randall Funding, which is a firm which provides us with information pertaining to available grants.

01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

The mitigation procedures will be prepared along with the implementation of the NPDES Permit Conditions.

Very truly yours,



BURTON S. MYERS
Public Works Director/City Engineer

BSM:tc



CITY OF OCEANSIDE

WATER UTILITIES DEPARTMENT

RECEIVED

AUG 28 2001

SAN DIEGO
COUNTY GRAND JURY

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

AUG 27 2001

Honorable Wayne L. Peterson
Presiding Judge
220 West Broadway
San Diego, CA 92101

By: C. NEPOMUCENO, Deputy

SUBJECT: San Diego Grand Jury Report – Why are the Beaches Closed?

Your Honor:

As a coastal community, the City of Oceanside is concerned with water quality for public safety, healthy beaches and environmental protection. Preventing storm water pollution and sewage spills from contaminating Oceanside waterbodies is of great concern for all of our municipal departments.

City of Oceanside has reviewed the San Diego Grand Jury Report titled "Why are the Beaches Closed?" dated May 31, 2001 and provides the following responses to the findings and recommendations offered in the report. In concurrence with the County of San Diego, the City of Oceanside has used the same general response format with elaboration when necessary.

If any questions should arise regarding our responses, please call Barry Martin at 760-435-5810.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Martin".

Barry Martin
Director, Water Utilities Department

San Diego County Grand Jury 2000-2001

"Why are the Beaches Closed"

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response:

Partially agree. Frequent beach closures should be considered excessive and the impetus for further investigation. However, the frequency of beach closures is unevenly distributed throughout the county. For instance, in the City of Oceanside, from 1998 to 2001, 4 beach closures were recorded. See attached summary.

B: When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response:

Agree. This statement is generally true assuming there is no mitigation effort in place designed to reduce water runoff.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response:

Agree. We agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms. Given the shallow depth to groundwater in some areas, the minimum amount of unsaturated soil profile necessary to remove bacteria and other environmental pollutants needs to be considered when using infiltration as a treatment method.

2. Pollutants in Urban Runoff:

A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.

Response:

Agree in part. A distinction should be made between closures and postings, both of which appear to be within the intended scope of Grand Jury's comments. The California Health & Safety Code, Section, 115885 requires the closure of a beach when a sewage release is known to have reached recreational waters until those waters are determined to be in compliance with standards established in regulations.

The act of closing the beach is a preventive public health action to avoid the public's exposure to pathogens that are commonly found in sewage. As noted by the Grand Jury, the presence of pathogens is not tested directly, but is instead indirectly assessed by testing for indicator bacteria (total coliform bacteria, fecal coliform bacteria, and enterococcus). Indicator bacteria are not pathogenic but they are typically associated with pathogenic bacteria, thereby avoiding extremely expensive and time consuming testing using pathogenic bacteria. With respect to sewage, there is ample scientific evidence to demonstrate the relationship of these indicators to the presence of pathogens.

To address beach postings, however, background coliform levels are naturally present in the beach environment and do not signify a defective system. Storm water pollution is not the only means by which bacteria become present in ocean water as birds and other warm-blooded mammals contribute coliforms via direct beach contact.

A second action that is frequently taken for recreational waters is the posting of advisory signs that warn the public when routine testing reveals violations of State bacteriological standards. In most instances, these exceedances are thought to be caused by discharges of urban runoff to recreational waters. As above, testing is conducted to determine levels of indicator bacteria. However, unlike sewage, the relationship of indicator bacteria to pathogens is not as firmly established for urban runoff. There is a great deal of ongoing research, both locally and elsewhere, to better characterize this relationship.

B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.

Response:

Agree. These are all examples of diseases that can be contacted through exposure of contaminated water.

C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.

Response:

Agree in part. Weekly testing for enterococcus is required from April through October, but the test does not have a 20-day incubation period. The test method used has an incubation period of 24 hours.

D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.

Response:

Finding 2.d. does not pertain to matters under the control of the City of Oceanside. We are not required to collect water samples or determine the need for closing a beach. The County of San Diego, as the local health officer, is required to perform those tasks.

- E. It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.**

Response:

Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams. However, depending on future progress, a greater reliance on structural controls, including dry weather diversion, may be needed.

- F. During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impacts of these visits is direct and local as well as indirect and extended.**

Response:

Agree. Tourism is a major factor in the regional economy, and much of the tourist industry in San Diego County is focused on local beaches.

- G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.**

Response:

Agree.

- H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

- I. Direct revenues estimated for the year 2000 at the beaches in San Diego County - \$5.75 million.**
- G. Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.**

Response to H,I,J:

The fiscal impact report considers all the beaches in the State of California as a whole and does not appear to address San Diego County. The method for extrapolation of monetary numbers could not be determined.

3. Watersheds in the County of San Diego:

A. A Watershed URMP requires four disciplines for proper management:

- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water)**
- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry;**
- **Aquatic Ecology (fauna and flora).**

Response:

Agree in part. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response:

Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 copermittees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The RWQCB, in Order No. 2001-01, has placed those 10 watersheds into 9 groups that will each require a Watershed Urban Runoff Management Program.

C. Watershed responsibility is shared with the copermittees of the watershed.

Response:

Agree.

D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.

Response:

Agree. RWQCB Order No.2001-01 requires that BMPs reduce pollution in stormwater to the "maximum extent practicable". Copermittee programs as a whole

must also ensure protection of water quality. RWQCB Order No. 2001-01 does not make copermittees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for stormwater.

E. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.

Response:

Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing “containment” controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01, which requires that “structural treatment BMPs” be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.

Response:

Agree. In combination with regional programs and jurisdictional URMPs, watershed URMPs are a necessary part of overall water quality management efforts.

G. Grease and roots cause the greatest number of spills.

Response:

Agree. During 2000 grease and roots were the cause of 32% of sewage spills Countywide. This is also generally true historically.

H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.

Response:

This finding is unclear as to what backcountry is being referenced. In addition, it is unclear whether “conduits” is a reference to road culverts in rural areas, or to buried pipes in urban-area canyons.

If the Grand Jury’s reference is to culverts the City of Oceanside has completed the cleaning of 102 channels in the last year. If the reference is the sanitary sewer system the City of Oceanside has cleaned 190 miles of sewer line in the last year.

- I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).**

Response:

Agree in part. Countywide in 1999 there were 33 sewage spills that resulted in beach closures and in 2000 there were 47. During that period, the volume of spills increased from 14,565,924 gallons to 71,679,018 gallons. It should be noted that this does not necessarily represent a trend, and that a longer-term record would be needed to substantiate any such assertion.

4. Public Awareness and Activism:

- A. Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.**

Response:

Agree. Urban runoff management requires the participation of everyone. Encinitas, the City of San Diego, and the Port of San Diego are all examples of programs being implemented in response to stormwater runoff problems.

- B. The model should be encouraged to set examples for all others.**

Response:

Agree in part. The models referenced in the Grand Jury report represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3) commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

Within the City of Oceanside, the following accomplishments are worth noting:

- A storm water public education campaign has been developed to inform Oceanside residents of water pollution issues, as well as to promote a sense of environmental stewardship. Included among the community activities hosted by City of Oceanside, numerous creek and beach cleanup events has helped to remove significant amounts of debris from our local waterbodies.
- On-going internal education for municipal staff from various departments has begun in order to ensure compliance with Order 2001-01.

- Consulting firm PBS&J has been hired to assist the city in the creation and implementation of our Urban Runoff Management Plans and other Order 2001-01 municipal requirements.
- Most industrial businesses with the City of Oceanside jurisdiction required to have a statewide general industrial permit, have been inspected to verify compliance with municipal ordinances.

C. Citizens are joining together to identify problems and to finally do something.

Response:

Agree. There are many excellent examples of locally initiated efforts to identify and respond to specific water quality problems in the San Diego region.

5. Stormwater Runoff and the Wastewater Department – Management:

- A. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.
- B. Considerable funds have been spent for current mechanism to detect sewage spills.
- C. Tecolote is a known problem area.
- D. Known problem areas are not monitored effectively after a rain.
- E. The Metropolitan Wastewater Department is not operating in an effective manner.
- F. Wastewater Management does not accept responsibility for the spills.

Response:

The findings of Section 5 only relate to the City of San Diego's Metropolitan Wastewater Department and need not be addressed in this response.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.

Response:

The recommendation has been implemented. The City of Oceanside has hired 2 staff that is dedicated to compliance with the requirements of RWQCB Order No. 2001-01. The City of Oceanside has requested 2 additional positions as part of the 2001-02 Fiscal Year budget to enable compliance with the new and expanded requirements of the Order. The City of Oceanside strives to hire trained and experienced staff to enable compliance with RWQCB

Order No. 2001-01. Additionally, City of Oceanside has hired PBS&J consulting firm to assist in the development of all programs required under Order 2001-01.

01-147: Design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.

Response:

This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of Oceanside initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittes have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittes. The current Receiving Waters Monitoring Program is currently being modified to conform with the new requirements of RWQCB Order No. 2001-01 and will be submitted by August 20, 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.

Response:

The recommendation has been implemented. The City of Oceanside is working within our internal departments and with Consultants PBS&J to coordinate implementation of RWQCB Order No. 2001-01.

01-149: Explore outside funding of programs (such as grants) which will reduce the number of beach closures.

Response:

The recommendation has been implemented. The City of Oceanside has sought and will continue to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures and other water quality impacts.

- City of Oceanside has received grant monies from the State Water Resources Control Board for the design of a watershed management program for Loma Alta Creek under the Clean Water Act section 205J.

01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Response:

Agree in part. The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order 2001-01 requires municipalities to impose requirements on land new development projects and those undergoing significant redevelopment. The Copermittees are developing the model Standard Urban Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2001. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.

That the Lead Watershed Permittee

01-151: Identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.

Response:

This is not an appropriate role for Lead Watershed Permittees. Sewage spills are the responsibility of sewerage agencies and/or other responsible parties. Under Order No. 2001-01, Lead Watershed Permittees assume no responsibility for tracking, monitoring, or checking areas of sewage "hot spots" except within their own sole jurisdiction.

The role of the Lead Watershed Permittee under RWQCB Order No. 2001-01 is to coordinate the development of a Watershed URMP designed to identify and address potential sources of stormwater pollution.

City of Oceanside has established procedures and monitoring programs for all sewer lines. Maintenance frequency of sewer lines is based on visual observation and inspections. If particular sewer lines exhibit high levels of maintenance needs, monitoring and inspections are increased. Sewer Collection Division is responsible for operation and maintenance of the sewer system in Oceanside, staffed seven days a week with personnel on-call 24 hours a day to respond to after-hour emergencies. During a spill event, a vactor truck, portable pumps and a rodding truck are provided as necessary to stop and correct the spill. The sewer divisions first priority during a spill is the stop the sewer overflow and then recover all possible sewer water discharged. During rain events the sewer division inspects all pump stations and noted problem areas. City of Oceanside does not have identified areas with frequent sewer spills because increased monitoring and maintenance having eliminated the potential for a sewer spill.

Sewage Spill Summary 1998-2001

| Date | Receiving Waters | Estimated Gallons | Was the mouth of receiving waters open to the ocean? | Amount of sewage recovered? |
|----------|--------------------|-------------------|--|-----------------------------|
| 5-31-98 | San Luis Rey River | 18,000 gallons | Yes | 4000 gallons |
| 12-17-98 | San Luis Rey River | 1100 gallons | Yes | 0 gallons |
| 6-22-00 | None-storm drain | 375 gallons | NA | 375 gallons |
| 12-15-00 | San Luis Rey River | 350 gallons | No | 0 gallons |



CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jim Barrell
Jack E. Dale
Lori Howard
Hal Ryan

CITY MANAGER
Keith Till

September 13, 2001

RECEIVED

SEP 19 2001

**SAN DIEGO
COUNTY GRAND JURY**

The Honorable Wayne L. Peterson
Presiding Judge
220 W. Broadway
San Diego CA 92101

San Diego County Grand Jury
Hall of Justice
P.O. Box 92101-3830
San Diego, CA 92101-3830

Provided herewith are our comments to the San Diego County Grand Jury 2000-2001 Report: "Why are the Beaches Closed?"

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response:

Agree in part. Any number of beach closures should be considered excessive and cause for further investigation.

B: When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response:

Agree. This statement is generally true assuming that measures to mitigate this increase are not implemented.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response:

Agree. We agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms. Given the shallow depth to groundwater in some areas, the minimum amount of unsaturated soil profile necessary to remove bacteria and other environmental pollutants needs to be considered when using infiltration as a treatment method.

2. Pollutants in Urban Runoff:

A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.

Response:

Agree in part. A distinction should be made between closures and postings, both of which appear to be within the intended scope of Grand Jury's comments. The California Health & Safety Code, Section, 115885 requires the closure of a beach when a sewage release is known to have reached recreational waters until those waters are determined to be in compliance with standards established in regulations. The act of closing the beach is a preventive public health action to avoid the public's exposure to pathogens that are commonly found in sewage. As noted by the Grand Jury, the presence of pathogens is not tested directly, but is instead indirectly assessed by testing for indicator bacteria (total coliform bacteria, fecal coliform bacteria, and enterococcus). Indicator bacteria are not pathogenic but they are typically associated with pathogenic bacteria, thereby avoiding extremely expensive and time consuming testing using pathogenic bacteria. With respect to sewage, there is ample scientific evidence to demonstrate the relationship of these indicators to the presence of pathogens.

A second action that is frequently taken for recreational waters is the posting of advisory signs that warn the public when routine testing reveals violations of State bacteriological standards. In most instances, these exceedances are thought to be caused by discharges of urban runoff to recreational waters. As above, testing is conducted to determine levels of indicator bacteria. However, unlike sewage, the relationship of indicator bacteria to pathogens is not as firmly established for urban runoff. There is a great deal of ongoing research, both locally and elsewhere, to better characterize this relationship.

B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.

Response:

Agree. These are all examples of diseases that can be contracted via water contact.

C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.

Response:

Agree in part. Weekly testing for enterococcus is required from April through October, but the test does not have a 20-day incubation period. The test method used has an incubation period of 24 hours.

D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.

Response:

Finding 2.d. does not pertain to matters under the control of the City of Santee. (We are not required to collect water samples or determine the need for closing a beach. The County of San Diego, as the local health officer, is required to perform those tasks.

E. It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.

Response:

Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams. However, depending on future progress, a greater reliance on structural controls, including dry weather diversion, may be needed.

F. During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impacts of these visits is direct and local as well as indirect and extended.

Response:

Agree. Tourism is a major factor in the regional economy, and much of the tourist industry in San Diego County is focused on local beaches.

G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.

Response:

Agree.

H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.

I. Direct revenues estimated for the year 2000 at the beaches in San Diego County – \$5.75 million.

J. Direct, indirect and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.

Response to H,I,J:

The fiscal impact report considers all the beaches in the State of California as a whole and does not appear to address San Diego County. The method for extrapolation of monetary numbers could not be determined.

3. Watersheds in the County of San Diego:

A. A Watershed URMP requires four disciplines for proper management:

- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water)**
- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry;**
- **Aquatic Ecology (fauna and flora).**

Response:

Agree in part. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response:

Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 copermitees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The RWQCB, in Order No. 2001-01, has placed those 10 watersheds into 9 groups that will each require a Watershed Urban Runoff Management Program.

C. Watershed responsibility is shared with the copermitees of the watershed.

Response:

Agree.

D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.

Response:

Agree. RWQCB Order No.2001-01 requires that BMPs reduce pollution in stormwater to the "maximum extent practicable". Copermitee programs as a whole must also ensure protection of water quality. RWQCB Order No. 2001-01 does not make copermitees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for stormwater.

E. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.

Response:

Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including

watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01, which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.

Response:

Agree. In combination with regional programs and jurisdictional URMPs, watershed URMPs are a necessary part of overall water quality management efforts.

G. Grease and roots cause the greatest number of spills.

Response:

Agree. During 2000 grease and roots were the cause of 32% of sewage spills Countywide. This is also generally true historically.

H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.

Response:

This finding is unclear as to what backcountry is being referenced. In addition, it is unclear whether "conduits" is a reference to storm drainage facilities in rural areas, or to buried pipes in urban-area canyons.

If the Grand Jury's reference is to storm drainage facilities the City of Santee has completed the cleaning of 8 miles of drainage channels in the last year. If the reference is the sanitary sewer system the City of Santee's purveyor, Padre Dam Municipal Water District has cleaned approximately 150 miles of sewer line in the last year.

I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).

Response:

Agree in part. Countywide in 1999 there were 33 sewage spills that resulted in beach closures and in 2000 there were 47. During that period, the volume of spills increased from 14,565,924 gallons to 71,679,018 gallons. It should be noted that this does not necessarily represent a trend, and that a longer-term record would be needed to substantiate any such assertion.

4. Public Awareness and Activism:

A. Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.

Response:

Agree. Urban runoff management requires the participation of everyone. Encinitas, the City of San Diego, and the Port of San Diego are some of the examples of programs being implemented in response to stormwater runoff problems.

B. The model should be encouraged to set examples for all others.

Response:

Agree in part. The models referenced in the Grand Jury report represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3) commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

Within the City of Santee the following accomplishments are worth noting:

A Coordination program with the area sewer and water purveyor, Padre Dam Municipal Water District (PDMWD) is ongoing. The staffs of both agencies meet monthly to discuss coordination issues.

Many of the utility vaults close to the San Diego River become flooded on a regular basis. The City is coordinating with the utilities on their program for de-watering utility vaults

The City's inspectors continue to monitor all construction sites daily for compliance with the BMPs. Land development permits are not issued until the stormwater pollution prevention plan is approved and confirmation is received that the "Notice of Intent" was submitted. The process includes requiring a deposit from the developer for implementation of erosion control measures so that the City can step in if the developer fails to perform. All grading plans are required to show construction BMPs to be used by the contractor.

All households participate in a mandatory recycling program through the City's trash franchise. The trash franchise requires the trash hauler to provide on-call curbside pickup of bulky and large items that are non-hazardous. The City's waste management system provides separate containers for solid waste, green waste and recycling. The City has also taken the following measures to encourage proper disposal of used engine oil and household hazardous wastes:

- 1) Monitor and audit the operations of the 5 State-certified used oil drop-off centers in the City. The biggest of these are Pep Boys, Kragen, and Firestone automotive stores
- 2) On March 27, 2000, placed into service a citywide, on-call, special door-to-door used oil collection truck that picks up full containers of oil and filters and leaves clean empties. This vehicle is operated and maintained by the City's franchised trash hauler

3) On June 10, 2000, the City of Santee in cooperation with the City of El Cajon opened the area's first permanent household hazardous solid waste collection center. It is located at the City's franchised solid waste collector's transfer station adjacent to Santee. The center, which operates the second Saturday of every month, was made possible through a joint grant to Santee and El Cajon through the California Integrated Waste Management Board.

The recycling, used oil and household hazardous waste programs include extensive education programs. The materials include newspaper advertisements, flyers, brochures, cups, pencils, coloring books, trading cards and newsletters included in the trash bills.

City staff continues to work on other areas of public education. The following areas of the public education are part of the program and have been completed this fiscal year:

- Provide construction permit requirements and processes to developers. A pre-construction meeting is held with each developer and contractor to discuss inspection and construction BMP requirements. The City sends a letter to all active grading permits before October 1 each year to remind developers of grading permit requirements for erosion control. Conduct daily inspections for erosion control from October 1 to April 1 on construction projects.
- Coordinate with environmental and local groups on stenciling storm drain inlets with the "I Live Downstream" message. This is an ongoing program. New developments are required to stamp it in the curb.
- Participate with the Education Subcommittee on Regional programs.
- Maintain the complaint recording and tracking process for public reporting of illegal discharges or dumping.
- Coordinate with the franchise trash hauler in notifying residents about upcoming recycling events and information on how to recycle.
- The area water purveyor, Padre Dam Municipal Water District (PDMWD), and the City have ordinances in place to require the proper use and conservation of water. PDMWD has a continuing public education program through flyers, press releases and newsletters for the conservation of water and use of recycled water.
- Training of City employees is held on a regular basis. Field personnel have training a minimum of once per month.
- The City is the local information source for residents on recycling and proper household hazardous waste disposal, including used engine oil. City staff receives an average of 15 calls a week on how to properly dispose of household hazardous waste. The City's web site answers commonly asked questions on household hazardous waste and directs the user to proper disposal sites and/or resources. The City distributes multiple flyers and educational/promotional materials on proper household hazardous waste and used oil recycling.
-

The City has a full service household hazardous waste collection drive-through center in El Cajon (average 10 minute drive south for residents) and continues an agreement with a second full service household hazardous waste collection center operated by the City of Poway (average 20 minute drive to the north). These centers accept Santee residents' hazardous waste at no charge to the resident. Considerable public education efforts promoting these opportunities and any new ones in the future will continue.

The City maintenance personnel clean inlets, storm drains and channels whenever cleaning is needed. All inlets, storm drains and channels are inspected a minimum of

biannually. Problem areas and larger facilities are inspected at a minimum annually. Maintenance records are maintained for all inspections and cleaning of these facilities.

The City contracts with a private contractor for the sweeping of streets. Residential streets are swept every other week and all other streets are swept every week. Waste generated from street sweeping is disposed of at an approved landfill site. The contract includes provisions to call out a street sweeper any time one is needed for any special circumstances such as spills.

C. Citizens are joining together to identify problems and to finally do something.

Response:

Agree. There are many excellent examples of locally initiated efforts to identify and respond to specific water quality problems in the San Diego region.

5. Stormwater Runoff and the Wastewater Department – Management:

- A. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.**
- B. Considerable funds have been spent for current mechanism to detect sewage spills.**
- C. Tecolote is a known problem area.**
- D. Known problem areas are not monitored effectively after a rain.**
- E. The Metropolitan Wastewater Department is not operating in an effective manner.**
- F. Wastewater Management does not accept responsibility for the spills.**

Response:

The findings of Section 5 only relate to the City of San Diego's Metropolitan Wastewater Department and need not be addressed in this response.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

- 01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.**

Response:

The recommendation has been implemented. The City of Santee has hired 1.0 (FTE) staff that is dedicated to compliance with the requirements of RWQCB Order No. 2001-01. The City of Santee has approved 1 additional positions as part of the 2001-02 Fiscal Year budget to enable compliance with the new and expanded requirements of the Order. The City of Santee strives to hire trained and experienced staff to enable compliance with RWQCB Order No. 2001-01.

- 01-147: Design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.**

Response:

This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of Santee initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittees. The current Receiving Waters Monitoring Program is currently being modified to conform to the new requirements of RWQCB Order No. 2001-01 and will be submitted in the near future. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

- 01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.**

Response:

The recommendation has been implemented. The City of Santee is working within our internal departments to coordinate implementation of RWQCB Order No. 2001-01.

- 01-149: Explore outside funding of programs (such as grants) which will reduce the number of beach closures.**

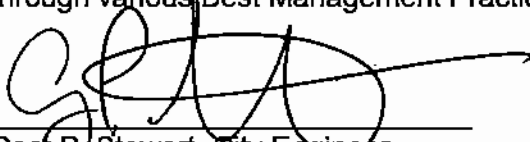
Response:

This recommendation has been implemented. The City of Santee has been allocated \$4.75 million for flood protection for Forester Creek (Prop 13, Chapter 5, Flood Protection Program, Article 2.5, Flood Protection Corridor Program). This grant money will be used to acquire, restore, enhance and protect real property as well as providing flood and wildlife habitat protection. In addition the Cities of Santee, San Diego, El Cajon, La Mesa and the County of San Diego have joined together to establish the San Diego River Watershed Group. The Watershed Group's request to the State Water Resources Control Board for a \$197,500 grant has been approved. This grant will be utilized to fund a San Diego River Watershed Management Plan. In addition a second grant will be sought to create a San Diego River Watershed-Based Program for Identifying and Managing Sources of Recreational Water Impairment. The City of Santee along with other members of the San Diego River Watershed Group will continue in the future to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures and other water quality impacts

01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Response:

Agree in part. The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order 2001-01 requires municipalities to impose requirements on land new development projects and those undergoing significant redevelopment. The Copermitees are developing the model Standard Urban Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2002. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.


Cary P. Stewart, City Engineer

cc: Robert Zaino



THE CITY OF SAN DIEGO

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AUG 29 2001

August 29, 2001

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AUG 30 2001

SAN DIEGO
COUNTY GRAND JURY

The Honorable Wayne L. Peterson
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92101

SUBJECT: SAN DIEGO COUNTY GRAND JURY 2000-2001 REPORT:
"WHY ARE THE BEACHES CLOSED"?

Dear Judge Peterson:

The City of San Diego has received and reviewed the above-referenced report, dated May 31, 2001, and prepared by the 2000-2001 San Diego County Grand Jury. The report discusses the recent history of beach closures and the relationship of these events to urban storm water runoff. The report also notes the recently updated Municipal Discharge Permit issued by the San Diego Regional Water Quality Control Board and the requirements of the Permit to develop an Urban Runoff Management Plan.

The Grand Jury recommends that each of the 20 municipalities subject to the Order work both individually and cooperatively to implement these Urban Runoff Management Plans and act to protect our local surface waters. The City of San Diego would like to thank the Grand Jury for keeping public attention on these issues. We agree with the Grand Jury's concerns for controlling urban runoff to prevent beach postings and closures. Please find attached the City of San Diego response to the Grand Jury report submitted in accordance with Government Code §933.

The City of San Diego has identified "Cleaning Up our Beaches and Bays" as one of our core goals over the next four years. In fact, prior to the issuance of the updated Permit, we began an aggressive multi-year program to address urban runoff. The City's proactive efforts were recognized by the Grand Jury in its report. We are working cooperatively with other cities in the county and are taking a leadership role in finding cost-effective solutions – both technical and educational – to urban pollution largely caused by the lifestyle and business practices of residents and businesses.



Office of the City Manager
202 C Street, MS 9A • San Diego, CA 92101-3869
Tel (619) 236-6363 Fax (619) 236-6067

The Honorable Wayne L. Peterson

Page 2

August 29, 2001

The City of San Diego is working with the Birch Aquarium and ocean artist, Wyland to launch a web based oceans curriculum that incorporates materials on the effects of urban runoff and storm water pollution on our ocean environment into the lesson plans. And, most importantly, we are evaluating and revising our internal policies, procedures and employee activities to ensure that storm water pollution prevention issues and behaviors are a priority with all City employees.

Please call me at (619)236-5941, if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, reading "Michael T. Uberuaga". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael T. Uberuaga

rm

August 21, 2001

In accordance with Government Code §933, the City of San Diego provides the following responses to the Findings and Recommendations of the Grand Jury.

Findings of the San Diego County Grand Jury 2000-2001

1. Pollution of the Coastal Bay and Waters of San Diego County.

a. Beach closures are excessive.

Agree. Beach *closures* happen when sewage overflows occur and *postings* or warnings are the result of elevated bacteria counts of unknown origin such as decomposing plant and animal life, and other organic material.

If beaches are open every day, there are a total of 475,376 beach days a year for City of San Diego beaches. This measurement is reached by multiplying the County of San Diego, Department of Environmental Health beach counting standard (which defines a beach as 150 feet of shoreline useable by swimmers), by 365 days. Last calendar year (2000), City of San Diego beaches (not including Torrey Pines State Beach) had 2,334 closed or posted beach days.

In 1999, the State of California adopted and implemented Assembly Bill 411, which set minimum protective bacteriological standards for waters adjacent to public beaches and public water contact sports and recreational areas. These standards have resulted in a more accurate reflection of the health of our recreational waters and an increased communication to the public regarding water quality than ever before. These two factors have greatly contributed to the public perception that water quality has only recently degraded, when in fact the condition of our recreational waters has degraded over time. Regardless of when the degradation began, the City agrees that beach closures and postings are excessive.

b. When land is developed stormwater runoff increases because there is less land to absorb water.

Agree (in general). When land is developed, soils are covered with hard or impervious surfaces. The rooftops, roadways, parking areas, and other hard surfaces that come with development cover soils that, before development, absorbed rainwater.

Detention basins and natural channels can be engineered to address the increased volume and water quality. For the City of San Diego, development including engineered features to address storm water quality is the model for the City's future.

- c. **As man made structures cover more land, there is less land for natural water seepage. Natural Water Seepage of 20 feet can result in water which is free of coliform organisms.**

Disagree. If the statement read "As man made structures cover more land, there is less land for natural *infiltration*," we would partially agree with this statement. Dr Tom Glanville of the Department of Agriculture & Biosystems Engineering at the University of Iowa State, said that the statement "Natural water seepage of more than 20 feet can result in water which is free of coliform organisms," which is found in his web page, is a general statement not intended for universal applications and correlations. Dr. Glanville also said, "the statement is not based on research reports or valid scientific data." Dr Glanville further explained that soil types vary in the ability to capture micro-bacteria due to such factors as: cohesion forces (the ability of soil particles to stick together); permeability (the ease with which water moves through a material); and depth of the B horizon (low permeable soil enriched with clay, silica and carbonates). Natural water infiltration of greater than 20 feet can still contain a high quantity of coliform bacteria dependant upon the soil type and soil features being tested.

2. **Pollutants In Urban Runoff**

- a. **Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.**

Disagree. "Pathogens" is a term used to cover a broad spectrum of viruses, bacteria, parasites and other organisms that can cause illnesses. Recreational water quality samples are analyzed for concentrations of bacteria that are presumptive indicators of sewage contamination. While the bacteria, total coliforms, fecal coliforms and enterococci are present in very high numbers in human wastes and sewage, they are also present in wastes of animals, in urban runoff, and some in soils and rotting vegetation. When the indicator bacteria are found in large concentrations, it is often presumed that they indicate the presence of sewage and therefore presence of human fecal pathogens. The indicators themselves are not generally pathogenic, or disease producing, and may not even accurately suggest the risk of disease from contact with the contaminated water. Without formal epidemiological surveys, the indicator values are only useful in managing risk rather than measuring it. The management of risk requires that we assume that water with high indicator bacteria values may also have some unknown number of fecal pathogens. Epidemiological surveys may not provide definitive answers regarding indicators and human illness.

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- b. Some water-born pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.**
Agree. Salmonella is transmitted by ingestion of food and water contaminated by feces. Sometimes it is contracted through eggs from infected hens. It is important to note that Salmonella, unlike the others listed, is a disease-causing pathogen and not a disease in it's own right. Typhoid fever is transmitted by fecal contamination of drinking water or food. Gastroenteritis, viral or bacterial, is easily spread from one person to another. The organism that causes this condition lives in the digestive tract. Food becomes contaminated by preparers who do not wash their hands regularly after using the bathroom. It can also occur from drinking water and eating shellfish that may be contaminated by sewage. The Hepatitis virus is passed in feces. Often carried on an infected person's hands, it can be spread by direct contact or by consuming food or drink prepared by the infected individual. In some cases it can be spread by consuming water or foods contaminated with infected sewage.
- c. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.**
Partially agree. In addition to the testing standards mandated in AB411, testing for Enterococcus is also required. The enterococcus test, however, has a 24-hour culture incubation period, not 20-days.
- d. The proper protocol for the collections of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.**
Partially agree. There are established sampling protocols that, if followed, assure accurate results. The United States Environmental Protection Agency (EPA) published a Microbiological manual in 1978 which outlines a sampling protocol that is followed in San Diego County. We agree that test results are conclusive after a 24-hour period, and that beach closure occurs some 24 to 36 hours after the sample was taken.
- e. It is costly to treat stormwater as it goes directly in the oceans, lakes and streams.**
Agree. The costs to fully capture and treat stormwater are prohibitive. Strategic and technological solutions are feasible and affordable, and are how the City of San Diego has become a national leader in dry weather runoff management. Starting in the 1980's, the City has installed fifty-three (53) low-flow diversion systems. The \$9 million Mission Bay Sewage Interceptor System surrounds Mission Bay and captures dry-weather pollutant flows and diverts them to the wastewater treatment

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plant. With more than 300 dry days a year, we are able to capture, divert and treat a significant amount of the polluted flow before it reaches the bay, and without exceeding the capacity of the wastewater collection and treatment system. Additionally, the City of San Diego has embarked on a multi-year storm water pollution prevention program that will identify areas of chronic contamination, then determine the source and the appropriate solution or combination of solutions (i.e. structural, technological, enforcement, and or educational approach) to eliminate the contamination.

- f. **During the year 2000 there is estimated to have been 39,635,858 visits to ocean beaches, including Mission Bay. The economic impact of these visits is direct and local as well as indirect and extended.**

Partially Agree. We were unable to validate the stated number of visits to ocean beaches, including Mission Bay, as 39,635,858. In consulting the San Diego Convention and Visitors Bureau (ConVis), we were able to confirm there were an estimated 15,217,000 overnight visitors to San Diego in calendar year 2000.

- g. **Local residents not only spend money to enjoy beach time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitor(s).**

Agree.

- h. **The following monetary numbers are extrapolated from "The fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

Reference the cumulative response provided under 2 J below.

- i. **Direct Revenues estimated for the year 2000 at the beaches in San Diego County - \$5.75 Million.**

Reference the cumulative response provided under 2 J below.

- j. **Direct, indirect and induced revenues estimated for the year 2000 at the beaches in San Diego County- \$3 billion.**

Partially agree. We were unable to duplicate or confirm the monetary numbers extrapolated by the Grand Jury from the referenced report, as the report considers all beaches in the State of California as a whole. We agree, however that tourism driven by beach activities is a major factor in the regional economy and that a percentage of tourism revenues in calendar year 2000 were realized at businesses at or near the beach. The San Diego Convention and Visitor bureau (ConVis) reports that in calendar year 2000, approximately \$5,230,000,000 in revenues from

tourism were realized in the region. Additionally, the City has contributed \$262,500 in funding towards a beach valuation project which has just begun.

3. Watersheds in the County of San Diego

- a. **A Watershed URMP requires four disciplines for proper management:**
- **Hydrolics** (the chemical reaction in which a compound reacts with ions of water);
 - **Hydrology** (the science of dealing with the waters of the earth their distribution on the surface and underground and the cycle involving evaporation, precipitation, and flow to the ocean;
 - **Water Chemistry;** and
 - **Aquatic Ecology (fauna and flora)**

Partially agree. There are many ways to approach watershed management. In general, there are three guiding principals to successful watershed management: *partnerships* for decision making with those most affected ; *geographic focus* on the surrounding drainage areas to surface and recharge basin waters; and, management techniques grounded on strong and sound *scientific research and data*. In San Diego County, the Regional Water Quality Control Board (RWQCB) Municipal Storm Water Permit, Order 2001-01, section- J, "Watershed Urban Runoff Management Program" (URMP), directs the region to work collaboratively to identify and mitigate the highest priority water quality issues/pollutants in nine hydrologic units. The URMP is broad reaching and will call upon a number of social, scientific, technical and political strategies beyond the sciences of hydraulics, hydrology, water chemistry and aquatic ecology, to be successful in sustaining improved water quality in the nine watersheds. Hydraulics is the physical science or technology of the static and dynamic behavior of fluids.

- b. **Nine of the watersheds in San Diego County drain into the ocean, bays and some lakes.**
Agree.
- c. **Watershed responsibility is shared with the co-permittees of the watershed.**
Agree. The watershed responsibility is shared and is intended to be a collaborative work effort coordinated by a lead co-permittee. The City of San Diego will be the lead co-permittee in the following watersheds: San Dieguito River, Peñasquitos, Mission Bay, and the San Diego River.
- d. **Development of BMPs and BAT will need to demonstrate to the RWQCB that proper management techniques are in position.**

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Partially agree. While development of Best Management Practices (BMPs) and Best Available Technologies (BATs) is necessary, implementation is the key to demonstrating proper management techniques and commitment are in position. We would be able to fully agree if implementation of BMPs and BATs were genuinely embraced and practiced by developers and their contractors.

e. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.

Partially agree. Containment of storm water is not the goal; the goal is to eliminate pollutants within the storm water. There is no "one size fits all" approach that will achieve improved storm water quality. There are many different types of Best Management Practices (BMPs), structural and non-structural, intended to minimize storm water pollution. Non-structural BMPs, including education and good-housekeeping, are needed everywhere. Structural or treatment BMPs are best implemented on a neighborhood or drainage area basis, when considering flexibility, reliability and maintenance requirements. Watershed approaches, or drainage masterplans, which include evaluation of the hydrology of the area and the hydraulics of the storm water conveyance systems conducted by a Professional Engineer specializing in water resources, are helpful in planning the location of structural BMPs and to evaluate overall water quality benefits.

f. Watershed URMP needs to be developed and implemented to control pollutants in the lakes, streams, and ocean.

Agree. We agree the *watershed* Urban Runoff Management Program needs to be developed in conjunction with the *jurisdictional* Urban Runoff Management Program in order to be effective in controlling pollutant discharges at lakes, streams and the ocean.

g. Grease and roots cause the greatest number of spills.

Agree. In 1999 grease blockages caused 26% of sewage spills, and roots caused 34%. In the year 2000 grease blockages caused 23% of sewage spills, and roots caused 49%.

h. The back country and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.

Agree. Of the 2,850 miles of sewer lines in the City of San Diego, approximately 320 miles are situated in canyons and other difficult to access areas. Over the past several decades, many access roads (which were built at the same time the pipelines were installed) have grown over. As this has occurred, the canyons have come to be regarded as sensitive habitat that should be preserved and protected.

As access to these areas has become more and more limited, the City of San Diego has been prevented from removing trees and brush and has been unable to maintain the access necessary to carry out routine cleaning and maintenance of pipelines and manholes. Additional comments are provided in the responses to Recommendations 01-151, 01-152, and 01-153.

- i. **The total number of spills has not varied significantly but the volume of spills has increased considerably.**

Agree. While the total number of spills has slightly decreased, the total volume of those spills has increased. This increase in volume is due to two large spills. Reference Table below.

Table 1
Total and Public Waters
Sewer Spills by Number and Volume
1997-2000

| | 1997 | 1998 | 1999 | 2000 |
|---|------|-------|------|---------|
| Number of Spills | | | | |
| Total Spills - All Locations | 333 | 285 | 314 | 364 |
| Public Waters | 46 | 67 | 42 | 33 |
| % of Spills to Public Waters | 14% | 24% | 13% | 9% |
| Volume of Spills (in thousands of gallons) | | | | |
| Total Spills - All Locations | 795 | 3,237 | 597 | 35,029* |
| Public Waters | 508 | 3,096 | 285 | 34,728* |
| % of Volume to Public Waters | 64% | 96% | 48% | 99% |

* The Adobe Falls spill in February 2000 accounted for 34 million gallons of this total.

4. Public Awareness and Activism

- a. **Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego, and the San Diego Unified Port District.**

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Agree. Strategies for solving water pollution problems should include widespread public education reaching out to residents, visitors, commercial businesses, developers, construction and industrial sectors, restaurants, landscapers, business parks, and educational institutions. Moreover, it is not enough that they become educated on the storm drain collection system, and the causes of pollution. It is essential they change their daily activities and adopt pollution prevention behaviors and habits. The City sees pollution prevention as essential to improving water quality. In September 1999, the City of San Diego launched project "Think Blue," a public awareness electronic media campaign. The campaign was successful in raising the issue of storm water pollution and ocean water quality to the public. In Fiscal Year 2002 (July 1, 2001 - June 30, 2002), we will focus the Think Blue project on specific behavior changes city residents can adopt to decrease their contribution to storm water pollution and help us clean up our beaches and bays.

b. The model should be encouraged to set examples for all others.

Agree. The City of San Diego has offered public education and outreach assistance to the co-permittees. We realize many of the cities do not currently have the resources to support such a program. The airing of our project Think Blue advertising on television and radio this fall, will be of benefit to residents of the entire region.

c. Citizens are joining together to identify problems and to finally do something.

Agree. A city-wide service priority ranking survey revealed that 82 percent of city residents ranked protecting recreational water resources from pollution as the highest spending priority. This was more than six percentage points higher than relieving traffic congestion, the next highest residential priority, at 76 percent.

5. Stormwater Runoff and the Wastewater Department-Management

a. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.

Agree, assuming this refers to sewage spills. During the year 1999 approximately 25,000 gallons of sewage reached the Pacific Ocean. During the year 2000 the volume of sewage that reached the Pacific Ocean totaled approximately 34.1 million gallons. Of this amount, 34 million gallons were due to the large sewage spill at Adobe Falls, which flowed into the San Diego River, which empties into the Pacific Ocean. During the period from January through June of 2001 the volume of sewage reaching the Pacific Ocean totaled approximately 182,000 gallons. This does not include the Tecolote Canyon spill, which went into Mission Bay. Reference Table 2, page 9.

And, disagree, assuming this refers to storm water. Storm water and urban runoff discharges into the Pacific Ocean. The volume of polluted runoff is related to the amount of rainfall and pollutants resulting from urbanization. In an effort to protect public health, the City of San Diego is implementing the Beach Area Low Flow Diversion Project. This project captures urban runoff and sewage spills during dry weather and treats the water at the treatment plant. Seven facilities currently operate between Tourmaline Surf Park and La Jolla Shores.

Table 2
Sewer Spills to Public Waters
1999 - 2000
By Volume (in thousands of gallons)

| | 1999 | 2000 |
|--------------------|--------------|---------------|
| Pacific Ocean | 25.2 | 34,060.3* |
| San Diego Bay | 81.6 | 569.8 |
| San Diego River | 9.7 | 0.4 |
| Mission Bay | 2.3 | 3.5 |
| Peñasquitos Lagoon | 135.0 | 11.8 |
| Other | 31.6 | 82.7 |
| Total | 285.4 | 34,728 |

* The Adobe Falls spill in February 2000 accounted for 34 million gallons of this total.

- b. **Considerable funds have been spent for the current mechanism to detect sewage spills.**

Agree. In Fiscal Year 2001, the City of San Diego installed a telemetering and alarm system to detect significant changes in flow that could be attributed to stoppages or breakage along key pipelines. The approximate cost of the system

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was \$500,000.

c. Tecolote is a known problem area.

Agree. Of the 2,850 miles of sewer lines in the City, approximately 320 miles are situated in canyons and other environmentally sensitive lands. Over the past several decades, many access roads along sewerage conveyance infrastructure have deteriorated. As the roads deteriorated and became overgrown, some of these areas were adopted into the City's Multiple Species Conservation Program, which protects various kinds of habitat throughout the region.

In 1997, in order to insure appropriate access to perform maintenance and repairs to sewer pipelines, the City initiated a Capital Improvement Program (C.I.P.) project to re-establish canyon access roads in twenty-one (21) canyons that contained sewerage conveyance infrastructure.

As a result of that C.I.P. project, a citizen's committee was formed to review the potential environmental impacts of the project and to make recommendations regarding the most environmentally sensitive ways to provide this access. As that review process has continued, sewer infrastructure maintenance in canyon areas has been delayed further. The Tecolote Canyon is one of 21 canyons that has been identified by this citizen's committee, the City-Wide Canyon Sewer Maintenance Task Force (CSMTF), as needing access for both routine and emergency maintenance purposes related to canyon sewer system maintenance.

The City of San Diego, in partnership with the CSMTF, has embarked on an emergency maintenance program to re-establish temporary access to these sewer canyons, to inspect existing conditions of sewerage system infrastructure, and to perform necessary maintenance and repair work. Work in Tecolote Canyon was begun in July, 2001, and should be completed by September, 2001. Environmental mitigation activities will continue on for the next year in Tecolote Canyon. In a similar way, many of the remaining sewer canyons will be accessed for maintenance purposes in the next five years. Additional information is provided in the response to Recommendation 01-153.

d. Known problem areas are not monitored effectively after a rain.

Agree. Additional information is provided in the response to Recommendation 01-153.

e. The Metropolitan Wastewater Department is not operating in an effective and productive manner.

Partially agree. The City agrees it needs to improve with regards to the operation

and maintenance of the municipal wastewater collection system, and it is working diligently to do that. During Fiscal Year 2001 an independent assessment of the Wastewater Collection Division indicated that the department's record on preventing sewage spills is below the national average. Currently the number of spills per 100 miles of pipeline per year is 10.3. The nationwide average is approximately 7.2 spills per 100 miles of pipeline per year. The average of "Best Managed" facilities is approximately 6.6 spills per 100 miles per year.

Based on that finding, on May 14, 2001, the Mayor and Council approved an aggressive program beginning in Fiscal Year 2002 to address the deficiencies noted. The action tentatively approved four years of rate increases to fund the program. This program will replace or rehabilitate deteriorated sewer pipelines, optimize cleaning schedules, increase the televising of pipelines to assess their condition, and insure that manholes and other parts of the system are periodically inspected and maintained. Additional information is provided in the responses in the Recommendations section.

- f. **Wastewater Management does not accept responsibility for the spills.** Disagree. Whenever a spill occurs, the department investigates to determine what happened, and why, so that future spills can be averted. The past Director publically accepted responsibility for spills and instituted procedures and projects to insure that the department would improve. The current Director is expanding those efforts by aggressively implementing organizational changes within the Wastewater Collection Division and by reaching out to local Non-Governmental Organizations that focus on environmental quality.

Recommendations of the San Diego County Grand Jury 2000-2001

That the 20 (18 cities, The County, Port District):

- 01-146: employ at least one full time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB, ordinance 2001-01.**
This recommendation has been implemented. Storm Water Pollution Prevention Program staffing increased from 12 to 25.36 positions in the Fiscal Year 2002 budget to implement the programs required in Regional Board Order 2001-01. An organizational chart detailing the management structure and areas of expertise and responsibility is attached in Attachment A.
- 01-147: design, create, fund, and implement a storm water management program,**

storm water pollution plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative stormwater/urban runoff discharge monitoring program.

As stated above, this recommendation has been implemented.

- 01-148: to establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.**
This recommendation has been implemented. The City of San Diego has established a multi-departmental Urban Runoff Management Program team. This team began work in April 2001. It is examining and recommending changes to the existing policies, procedures, funding mechanisms, resources, ordinances and City Municipal Code to meet the requirements of Regional Board Order 2001-01.
- 01-149: explore outside funding of programs (such as grants) which will reduce the number of beach closures.**
This recommendation has been implemented. The City has identified 11 projects totaling between \$ 26 to 28 million that specifically address bacterial contamination a major cause of beach closures. We are seeking state and federal funding to offset the cost for these programs. See attachment B.
- 01-150: prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.**
This recommendation is being implemented. The City is leading a regional effort to develop a Standard Urban Storm Water Mitigation Plan (SUSMP). The SUSMP will require significant development and redevelopment projects to use Best Management Practices (BMPs) to treat and possibly filtrate urban and stormwater runoff in quantities expected to be produced from the proposed project site.

That The Lead Watershed Permittee:

- 01-151: identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.**
This recommendation has been partially implemented. Locations of frequent sewage spills were identified starting in the mid eighties and have been reviewed on a weekly basis since 1995 to insure completeness. On April 23, 2001 the City Council approved contracts totaling \$5.3 million to televise 100 miles of trunk

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sewers, to assess the condition of the 5600 trunk sewer manholes in canyons and open space areas, and to televise 60 miles of sewer mains.

During/after significant rain, staff has been directed to inspect the approximately 95 miles of pipelines in canyons that have been identified as a priority due to a history of erosion or blockages. The City is currently reviewing the best protocols to insure that we properly inspect pipelines, keep clear records, and immediately correct reported deficiencies. Please also refer to the response to Recommendation 01-153.

01-152: develop a program to put more people in the field to monitor known "hot spots" in the sewer system to avoid the totally unnecessary spills that have occurred in the past years. Manpower can be more effective when used in conjunction with meters and telemeters.

This recommendation has been partially implemented. The Flow Metering Alarm System became operational in October 2000. It currently senses drops or increases in flow of 25% or greater, however it is being continuously refined to improve the flow differential threshold to a lower level. This system identifies and notifies the City's Metropolitan Wastewater Department of very large magnitude failures, but cannot do the same for smaller spills. For those failures the City relies on patrols of pipelines in areas that are out of the public right-of-way. These patrols are carried out throughout the year by staff dedicated to that function, and are supplemented with additional staff during and after significant rain events. The City is also pursuing the concept of supplementing staff patrols with volunteers.

01-153: provide ways to make wastewater runoff conduits accessible to human inspection in the back country and up canyons.

This recommendation has been partially implemented. The City of San Diego received the findings and recommendations of the City-Wide Canyon Sewer Maintenance Task Force on March 28, 2001. The Task Force recommended policies and procedures for operating, inspecting, maintaining, and accessing the sewer collection system in such a way that environmental health and public safety are protected and impacts to canyons are minimized. A response to those recommendations was provided by the Engineering and Capital Projects Department at the Natural Resources and Culture Committee meeting on July 18, 2001.

Beginning in July 2001 the City of San Diego instituted a program to provide emergency access to its sewage collection infrastructure in sensitive canyon areas. Emergency access pathways are being established in canyon areas that have been

identified by the City-wide Canyon Sewer Maintenance Task Force. It is anticipated that City forces will create emergency access pathways in these canyons in order to provide an opportunity to carry out maintenance and repair of the pipelines. The Tecolote Canyon access pathway was the first project. After each of these canyon access projects is completed, appropriate mitigation will take place (revegetation) for a period of twelve months.

01-154: work with Stormwater Management to share information in a timely manner. This recommendation has been implemented. Both the Metropolitan Wastewater Department, which oversees the Wastewater Collection Division, and the General Services Department, which oversees the StormWater Pollution Prevention Program report to the Senior Deputy City Manager for Public Works. The departments share information regularly regarding permitting, monitoring, and operational issues, and work together on public education and outreach regarding water quality.

01-155: employ an educational consultant to develop a curriculum for schools and communities. This curriculum will emphasize each citizen's responsibility concerning the Management of Urban Runoff Waters. This recommendation is being implemented by the City's Storm Water Pollution Prevention Program. The program currently has three public education professionals; one of whom is a credentialed and experienced K-12 and Adult Education Teacher. The program is working with the Stephen Birch Aquarium to launch the Wyland Foundation's web based Oceans Curriculum. This project is slated to launch this fall, and will be rolled-out to all management and public information staff working on water quality issues to insure that a cohesive, understandable message goes out.

That The San Diego County Board of Supervisors:

01-156: develop a Stormwater Utility to generate the revenue for Urban Stormwater Runoff Programs. This recommendation is under consideration. The City of San Diego agrees each municipality/co-permittee needs a funding mechanism to support the region's storm water pollution prevention efforts. The City also agrees that regional discussion and mutual support is desirable in order for each jurisdiction/co-permittee to be successful in achieving the required amount of funding to support its program.



City of San Diego
STORM WATER POLLUTION PREVENTION PROGRAM

Attachment A
July 2001

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- Investigate Complaints
- Enforce Municipal Code (\$43.03)
- Prepare Case Material for City Attorney & Appeal Hearings

PUBLIC EDUCATION & TRAINING

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- Program Marketing
- Advertising Purchasing
- City Communications
- Residential, Commercial, & Industrial Education
- Internal Education
- Crisis Communication
- Environmental Community Outreach
- Regional Efforts

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- Receiving Water Monitoring
- TMDL Special Studies
- Beach Postings Evaluation
- Monitoring Contract Manager
- Industrial/ Commercial Inspections Planning

PROGRAM DEVELOPMENT/ WATERSHEDS

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- Urban Runoff Management Plan Coordination
- URM Implementation/ Approval Process
- Watershed Planning
- Model SUSMP Development
- SUSMP Implementation
- Development Review Coordination

BMP DEVELOPMENT/ ENGINEERING

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- GIS/ Mapping
- BMP standards/ Manuals
- Facility Assessments
- Water Quality Projects
- Plan Review
- Construction Site Inspection Coordination
- Standard specifications

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**CITY OF SAN DIEGO
STORM WATER POLLUTION PREVENTION PROGRAM
PROJECT LIST GOAL: Reduce Beach Posting and Closure Days By 50% By 2004**

| RANKING | PROJECT NAME | PROJECT SCOPE | COST | ESTIMATED TIME TO IMPLEMENT | POTENTIAL FUNDING SOURCES | COMMENTS |
|---------|--|--|-------------|-----------------------------|--|---|
| | Mission Bay Water Quality Study | Sample at 4 locations in Mission Bay and 20 locations in its subwatershed for bacterial analysis. | \$362,500 | 2-3 years - started 7/01 | FUNDED by City Metro Wastewater | Alvarado Spill SEP |
| 1 | Mission Bay Source Identification Survey | Execute source identification survey on 6 chronic problem areas in Mission Bay and along the coastline. | \$500,000 | 12 months | Clean Beaches Initiative, SEP - Tecolote Spill fine. | |
| 2 | Mission Bay Dry Weather Bacterial Source Testing | Execute sampling program and analyze for biological - DNA or RNA and other chemical markers to determine sources of bacteriological contamination. | \$800,000 | 12 months | Clean Beaches Initiative, SEP - Tecolote Spill fine, Proposition 13 - 2nd release. | |
| 3 | Mission Bay Human Pathogenic Viruses and Epidemiology Combined Study | Perform a human pathogenic virus study to determine the extent of pathogenic viral contamination to assess human health risks. Perform an epidemiological study at 5-6 selected locations on Mission Bay to determine the connection between water contact and human illnesses, and its frequency. | \$1,675,290 | 2 Years | SWRCB Cleanup and Abatement Fund, SEP - Tecolote Spill fine | 7/19/01 SWRCB to authorize \$975,290 from Cleanup and Abatement Fund; \$700,000 more funding is needed to complete epidemiology; project to be conducted by SCCWRP. |
| 4 | Beach Closure Public Awareness Campaign | Develop, produce and air 6-8 public awareness commercials a year for 3 years. The ads will be in English and Spanish and will identify appropriate behaviors the public can adapt to reduce bacteria counts at San Diego Beaches. | \$630,000 | 3 Years | Proposition 13 - 2nd release. | Commercial production - 3 months. |

CITY OF SAN DIEGO
STORM WATER POLLUTION PREVENTION PROGRAM
PROJECT LIST GOAL: Reduce Beach Posting and Closure Days By 50% By 2004

| RANKING | PROJECT NAME | PROJECT SCOPE | COST | ESTIMATED TIME TO IMPLEMENT | POTENTIAL FUNDING SOURCES | COMMENTS |
|---------|--|---|------------------------|-----------------------------|---|--|
| 5 | CIP No. 32-050.0 Rose & Tecolote Creeks Water Quality Improvements | Construct structural controls within the watershed and evaluate their effectiveness. | \$5,000,000 | 7 Years | Clean Beaches Initiative, SEP - Tecolote Spill fine | Received \$2 million from FY00-01 State Budget appropriation; consultant selected. |
| 6 | CIP No. 12-124.0 Beach Area Low Flow Storm Drain Diversion Phase II | Divert low dry weather flows including sewer spills to sewer collection system for treatment; 16 La Jolla sites; 2 Pacific Beach sites | \$2,510,000 | 1.5 years | EPA Grant. Sewer Revenue Fund | Design completed. Construction scheduled 02/02 - 11/02. |
| 7 | CIP No. 12-124.0 Beach Area Low Flow Storm Drain Diversion Phase III | Divert low dry weather flows including sewage spills to sewer connection system for treatment; 3 La Jolla sites; 5 Pacific Beach sites; 1 Ocean Beach site. | \$2,095,000 | 2 years | EPA Grant. Proposition 13 - 2nd release. Sewer Revenue Fund | Design in process. Construction scheduled 09/02 - 05/03. |
| 8 | CIP No. 12-124.0 Beach Area Low Flow Storm Drain Diversion Phase IV | Divert low dry weather flows including sewage spills to sewer collection system for treatment; 12 La Jolla sites; 2 Pacific Beach sites | \$3,335,000 | 3 Years | EPA Grant. Proposition 13 - 2nd release. Sewer Revenue Fund | 11 consultant candidates being considered for design. Construction scheduled 08/03 - 04/04. |
| 9 | Information Center for San Diego Water Monitoring | Create interactive web-based, GIS database for Mission Bay and other watersheds. | \$570,000 | 18 Months | EMPACT (EPA) Grant. | Submitted proposal 2/21/01. Project partners SD Baykeeper & Rick Engineering. Grant selection anticipated 08/01. |
| 10 | Mission Bay Pilot Treatment Systems | Implement wet weather treatment technology at 4 locations around Mission Bay. | \$4,000,000 | 2.5 - 3 years | Proposition 13 - 2nd release. | Design and build 2 year duration. |
| 11 | CIP No. 22-945.0 Tecolote & Cudahy Creeks Treatment Wetlands | Construct treatment wetlands at Tecolote and Cudahy Creeks. | \$4.5 - 6.5 million | 3 Years | Proposition 13 - 2nd release. | \$160,000 received from sludge mitigation fund. Design contract routing prior to execution. |



County of San Diego

RECEIVED

SEP 25 2001

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-1060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA 92101-2472

RECEIVED

SEP 26 2001

SAN DIEGO
COUNTY GRAND JURY

September 19, 2001

The Honorable Wayne L. Peterson
Presiding Judge
San Diego Superior Court, Dept. 1
220 West Broadway
San Diego, CA 92101

2000-2001 FINAL GRAND JURY REPORT – RESPONSES FROM THE COUNTY OF SAN DIEGO

Dear Judge Peterson:

Attached, please find the Board of Supervisors' responses to the findings and recommendations included in the 2000-2001 San Diego County Grand Jury Final Report concerning detention facilities, transportation and ~~water quality~~ for your transmittal to the Grand Jury.

If you have any questions concerning this matter, please contact me at (619) 531-6226.

Best regards,

WALTER F. EKARD
Chief Administrative Officer

Attachment

San Diego County Grand Jury 2000-01 "Why are Beaches Closed"

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response:

Agree in part. Any number of beach closures should be considered excessive and cause for further investigation. Countywide the number of beach closures for 1999 was 33 and in 2000 there were 47 closures. As of the end of July 2001 there have been 44 beach closures.

B. When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response:

Agree. This statement is generally true assuming that measures to mitigate this increase are not implemented.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response:

Agree. We agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms. Given the shallow depth to groundwater in some areas, the minimum amount of unsaturated soil profile necessary to remove bacteria and other environmental pollutants needs to be considered when using infiltration as a treatment method.

2. Pollutants in Urban Runoff:

A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.

Response:

Agree in part. A distinction should be made between closures and postings, both of which appear to be within the intended scope of Grand Jury's comments. The California Health & Safety Code, Section, 115885 requires the closure of a beach when a sewage release is known to have reached recreational waters until those waters are determined to be in compliance with bacteriological standards established in regulations. The act of closing the beach is a preventive public health action to avoid the public's exposure to pathogens that are commonly found in sewage. As

noted by the Grand Jury, the presence of pathogens is not tested directly, but is instead indirectly assessed by testing for indicator bacteria (total coliform bacteria, fecal coliform bacteria, and enterococcus). Indicator bacteria are not pathogenic but they are typically associated with the presence of pathogenic bacteria. With respect to sewage, there is ample scientific evidence to demonstrate the relationship of these indicators to the presence of pathogens.

A second action that is frequently taken for recreational waters is the posting of advisory signs that warn the public when routine testing reveals violations of State bacteriological standards. In most instances, these exceedances are thought to be caused by discharges of urban runoff to recreational waters. As above, testing is conducted to determine levels of indicator bacteria. However, unlike sewage, the relationship of indicator bacteria to pathogens is not as firmly established for urban runoff. There is a great deal of ongoing research, both locally and elsewhere, to better characterize this relationship.

- B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.**

Response:

Agree. These are all examples of waterborne diseases.

- C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.**

Response:

Agree in part. Weekly testing for enterococcus is required from April through October, but the test does not have a 20-day incubation period. The test method used has an incubation period of 24 hours.

- D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.**

Response:

Agree in part. Adherence to proper procedures during sample collection is crucial to the integrity of shoreline monitoring programs. However, sampling collection techniques are relatively straightforward, and field staff receives training in proper techniques prior to conducting sampling. There is currently no reason to conclude that significant errors are occurring during the collection of shoreline samples. The County believes that error-free samples are the rule rather than the exception. If this finding is referring to the spatial and temporal variability of samples collected in the shore zone, or the degree to which bacteriological indicators are representative of the potential presence of pathogens, the County agrees that sampling strategies are currently subject to a number of inherent limitations. As such, sampling programs may not always accurately

represent the overall quality of the waters they are intended to characterize. We are continuing to work with entities such as the Southern California Coastal Water Research Program (SCCWRP) to address these issues. We will continue to implement our monitoring program in compliance with state recreational water standards until more effective programs can be designed and regulatory requirements amended to reflect them.

We also agree in part that the time between the collection of samples and the closing of a beach is approximately 24-36 hours. However, this statement should be clarified. This time lag is applicable to routine shoreline sampling and the posting of beaches, not closure. Since the closure of beaches occurs only in response to sewage spills, the posting of signs usually occurs prior to the collection of samples.

- E. It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.**

Response:

Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams. However, depending on future progress, a greater reliance on structural controls, including dry weather diversion, may be needed.

- F. During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impacts of these visits is direct and local as well as indirect and extended.**

Response:

Agree. Tourism is a major factor in the regional economy, and much of the tourist industry in San Diego County is focused on local beaches.

- G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.**

Response:

Agree.

- H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

- I. Direct revenues estimated for the year 2000 at the beaches in San Diego County – \$5.75 million.**

- G. Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.**

Response to H,I,J:

The fiscal impact report considers all the beaches in the State of California as a whole and does not appear to address San Diego County. The method for extrapolation of monetary numbers could not be determined.

3. Watersheds in the County of San Diego:

- **A Watershed URMP requires four disciplines for proper management:**
- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water)**
- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry;**
- **Aquatic Ecology (fauna and flora).**

Response:

Agree in part. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

- B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.**

Response:

Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 copermitees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The RWQCB, in Order No. 2001-01, has placed those ten watersheds into nine groups that will each require a Watershed Urban Runoff Management Program.

- C. Watershed responsibility is shared with the copermitees of the watershed.**

Response:

Agree.

- D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.**

Response:

Agree. RWQCB Order No.2001-01 requires that BMPs reduce pollution in stormwater to the "maximum extent practicable". Copermittee programs as a whole must also ensure protection of water quality. RWQCB Order No. 2001-01 does not make copermittees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for stormwater.

- E. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.**

Response:

Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01, which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

- F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.**

Response:

Agree. In combination with regional programs and jurisdictional URMPs, watershed URMPs are a necessary part of overall water quality management efforts.

- G. Grease and roots cause the greatest number of spills.**

Response:

Agree. During 2000 grease and roots were the cause of 32% of sewage spills Countywide. This is also generally true historically.

- H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.**

Response:

This finding is unclear as to what backcountry is being referenced. In addition, it is unclear whether "conduits" is a reference to road culverts in rural areas, or to buried pipes in urban-area canyons.

If the Grand Jury's reference is to culverts, between June 1, 2000 and May 31, 2001 the County cleaned 1,229 drainage facilities and swept 1,726 miles of road, preventing a total of 3,385 cubic yards of sediment and pollutants from entering the stormwater conveyance system.

If the reference is the sanitary sewer system, between June 1, 2000 and May 31, 2001 preventive maintenance was conducted including the cleaning of 2,535,030 feet of mainline sewer, video taping of 313,349 feet of sewer line, and 2,300 feet of sewer line was treated for root damage. During that same period of time there was only one spill. The County Wastewater Department maintains the sewer system in the unincorporated areas of Alpine, Julian, Lakeside, 4S Ranch, Pine Valley, Spring Valley, Winter Gardens and Campo. All of the County sewer networks are in the road right-of-way, not in canyons.

- I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).**

Response:

Agree in part. Countywide in 1999 there were 33 sewage spills that resulted in beach closures and in 2000 there were 47. During that period, the volume of spills increased from 14,565,924 gallons to 71,679,018 gallons. It should be noted that while this is a significant increase (5X) it does not necessarily represent a trend, and that a longer-term record would be needed to substantiate this observation.

4. Public Awareness and Activism:

- A. Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.**

Response:

Agree. Urban runoff management requires the participation of everyone. Encinitas, the City of San Diego, and the Port of San Diego are all examples of programs being implemented in response to stormwater runoff problems.

- B. The model should be encouraged to set examples for all others.**

Response:

Agree in part. The models referenced in the Grand Jury report represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3)

commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

Prior to the introduction of RWQCB Order No. 2001-01 the County initiated Project Clean Water. The Mission of Project Clean Water is "To develop and implement a regional strategy that meets the needs and desires of stakeholders, and that considers and integrates the many complex issues bearing on water quality". We have nearly 300 stakeholders participating from 78 different agencies. Attached is the Clean Water Strategic Plan to provide additional information. You may also access the Strategic Plan and other work products at www.co.san-diego.ca.us.

The County has taken several actions, many of which exceed the requirements of the RWQCB Order No. 2001-01. The County revised its grading ordinance essentially eliminating the agricultural grading exemption. In April 2001 the Department of Public Works added five staff to increase culvert cleaning and street sweeping. Land development project proponents are now required to consider stormwater Best Management Practices early in the approval process.

For the past 3 years the Department of Environmental Health has conducted stormwater inspections of hazardous material facilities and food facilities.

- C. Citizens are joining together to identify problems and to finally do something.**

Response:

Agree. There are many excellent examples of locally initiated efforts to identify and respond to specific water quality problems in the San Diego region.

5. Stormwater Runoff and the Wastewater Department – Management:

- A. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.**
- B. Considerable funds have been spent for current mechanism to detect sewage spills.**
- C. Tecolote is a known problem area.**
- D. Known problem areas are not monitored effectively after a rain.**
- E. The Metropolitan Wastewater Department is not operating in an effective manner.**
- F. Wastewater Management does not accept responsibility for the spills.**

Response:

The findings of Section 5 only relate to the City of San Diego's Metropolitan Wastewater Department and need not be addressed in this response.

RECOMMENDATIONS:

Recommendation 01-146:

Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.

Response:

The recommendation has been implemented. The County's Department of Environmental Health has seven full time staff dedicated to compliance with the requirements of RWQCB Order No. 2001-01. One staff person works full time on our education and outreach efforts while another works solely on watershed issues. The County strives to hire trained and experienced staff to enable compliance with RWQCB Order No. 2001-01. The current staff has an average tenure of eight years with Environmental Health and three and one-half years in Stormwater. This does not include the tremendous expertise in other County departments such as the Department of Public Works and the Department of Planning and Land Use.

Recommendation 01-147:

Design, create, fund, and implement a Storm Water Management Program, Storm Water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.

Response:

The recommendation has not yet been implemented, but will be implemented by February 21, 2002. The County will continue to prepare a Jurisdictional Urban Runoff Management Program (URMP) that will comply with the requirements of RWQCB Order No. 2001-01. The County has committed to share its Jurisdictional URMP with the Copermittees to aid their efforts to complete their own Program.

The County's Project Clean Water has led an effort to create model programs and ordinances that will assist the Copermittees in their compliance efforts. The models will encourage consistency throughout the county. The City of San Diego is taking a lead in creating a model Standard Urban Stormwater Mitigation Plan.

The County volunteered to act as the Principal Permittee for RWQCB Order No. 2001-01, waiving its administrative costs. On May 19, 2001 the Copermittees unanimously designated the County as the Principal Permittee. This leadership role compliments the County's role with Project Clean Water.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittees. The current Receiving Waters Monitoring Program has been modified to conform to the new requirements of RWQCB Order No. 2001-01 and was submitted on August 20, 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

Recommendation 01-148:

Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.

Response:

The recommendation has been implemented. The County is working within our internal departments to coordinate implementation of RWQCB Order No. 2001-01. The County has created an internal working group to identify tasks and actions necessary for permit compliance. An implementation matrix is being used to aid in tracking our timelines. These actions will aid in the County's compliance with the permit.

Recommendation 01-149:

Explore outside funding of programs (such as grants) which will reduce the number of beach closures.

Response:

The recommendation has been implemented. The County has sought and will continue in the future to seek outside funding to assist in the study, design, and implementation of programs directed at reducing the number of beach closures. The County applied for four Proposition 13 watershed protection grants for Otay River, San Diego River, Tijuana River and Santa Margarita River and was approved for all four. One of the keys to the County's successful Proposition 13 applications is the partnership fostered in each watershed. Project Clean Water's Strategic Plan includes an Action Item to "Support and participate in ongoing and future watershed management planning efforts". Follow through with that Action Item will help promote the study of each watershed in the county.

Recommendation 01-150:

Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Response:

The recommendation has not been implemented, but will be implemented as specified below. The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order

2001-01 requires municipalities to impose requirements on land new development projects and those undergoing significant redevelopment. The Copermittees are developing the model Standard Urban Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2001. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.

Recommendation 01-151:

Identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.

Response:

This recommendation will not be implemented because this is not an appropriate role for Lead Watershed Permittees. Sewage spills are the responsibility of sewerage agencies and/or other responsible parties. Under Order No. 2001-01, Lead Watershed Permittees assume no responsibility for tracking, monitoring, or checking areas of sewage "hot spots" except within their own sole jurisdiction.

The role of the Lead Watershed Permittee under RWQCB Order No. 2001-01 is to coordinate the development of a Watershed URMP designed to identify and address potential sources of stormwater pollution. The County is specified as the Lead for Santa Margarita River and will have a role in eight of the nine watersheds identified in the permit.

Recommendation 01-156:

Develop a Stormwater Utility to generate the revenue for Urban Runoff programs.

Response:

The recommendation requires further analysis. The County is considering several funding options including a stormwater utility. We anticipate this analysis will be completed by November 2001.

**San Diego County Grand Jury 2000-01
Transportation in San Diego County**

FINDINGS:

1. **There are more than 35 public organizations responsible for transportation systems within San Diego County. The multitude of agencies, subagencies, planning groups, and commissions, not only make it difficult to plan on a regional basis, but make it impossible for the public to understand.**

Response:

Agree in part. In this County, 18 incorporated cities and the County of San Diego are responsible for planning, financing, constructing and maintaining the local streets and roads within their jurisdictions. The State Department of Transportation (Caltrans) is responsible for the 600 miles of Interstate and State Highways in the County. Public transit services are provided within two transit districts; the Metropolitan Transit Development Board (MTDB) in the south and the North County Transit District (NCTD) in the north. Additionally, the County of San Diego provides public transit services in the unincorporated areas outside of either transit district.

In order to ensure a high level of coordination between the various entities involved, all of the major planning and program functions related to transportation are consolidated under the San Diego Association of Governments (SANDAG). Elected officials from the County's 18 cities as well as a member of the County Board of Supervisors comprise the SANDAG Board. Other agencies represented as Advisory/liaison members include Caltrans, MTDB, NCTD, the U.S. Department of Defense, the San Diego Unified Port District, the San Diego County Water Authority and Tijuana/Baja California, Mexico.

2. **The operation of the Joint Agency Negotiation Team On Consolidation, and the Regional Government Efficiency Commission, is one small step in the right direction. These organizations can help to improve transportation within San Diego County if they can reduce the number of land planning agencies within the county.**

Response:

Agree in part. The primary focus of these efforts is to coordinate local land use planning to improve the planning and delivery of transportation services and facilities.

3. **Under present financial arrangements, there are not enough funds projected to be available to correct the existing transportation deficiencies and problems of San Diego County, or to construct all future projects that will be needed to accommodate future inhabitants. Other methods of financing of improvements are needed to reverse the continuous downward transportation spiral.**

Response:

Agree.

4. **Transit and trains will only improve ridership and service after huge amounts of money are spent to improve facilities, and transit image. After improvements have been made, only a small percentage of the county inhabitants will be willing or able to use them.**

Response:

Agree in part. Both MTDB and NCTD have recently completed public opinion surveys of County residents where 71% of those surveyed indicated that they would use public transit service provided the system was expanded, reliable, fast and safe. Today, about 5% of the peak period trips in this region are made on public transit

5. **Projected transportation construction and land acquisition costs are increasing at a greater rate than projected revenue growth.**

Response:

Agree.

6. **The San Diego Unified Port District has spent several million dollars, and held hundred of public meetings over many years, making studies regarding the principal airport in San Diego County. The Port District is no closer to solving the problem than it was 25 years ago.**

Response:

Agree in part. As the Federally-designated Metropolitan Planning Organization for the San Diego region, SANDAG is responsible for systems-level planning for this region's aviation system and related facilities including airport siting and general aviation airports. The Port District has focused its attention on the operation of Lindbergh Field. SANDAG has sponsored numerous studies looking at potential replacement sites for Lindbergh Field.

7. **Many people believe that transportation projects should not have a negative effect on the environment. In fact, the lack of proper transportation facilities has a much greater impact on the environment. In order to prevent transportation gridlock, most environmental considerations should be secondary to transportation.**

Response:

Disagree. Transportation and environmental considerations are both important. A coordinated approach to long term transportation and resource planning may improve project delivery. Any project which does not adhere to the appropriate State and Federal environmental regulations runs the high risk of being delayed, stopped or modified by litigation.

8. **There must be some concessions in the area of the environment, if the transportation systems are to be made safer and more efficient within the county.**

Response:

Agree in part. There is some flexibility in environmental laws that allow (on a case-by-case basis) what might be viewed as "concessions." For example, a project that might disturb wetlands may be allowed to mitigate this disturbance at an off-site location.

9. **There are no approved plans to extend the TransNet tax, and only a preliminary Transportation plan without the tax after the year 2008. There is no plan for transportation after the present 2020 plan expires.**

Response:

Agree in part. The SANDAG Board has established a sub-committee to evaluate alternatives relating to a ballot measure which would extend TransNet, but there is no definite plan to do so in place today. If the provisions to be included in such a measure could be decided and there was a desire to place this measure on the November 2002 ballot, a resolution of the Board of Supervisors directing the Registrar of Voters to do so would need to be adopted by August 2002. Otherwise, the extension of the current program could be placed on the 2004 ballot.

The SANDAG Regional Transportation Plan extends to the year 2020. The SANDAG Board has recently directed their staff to prepare a transportation plan through 2030 which is expected to be completed by early 2003.

10. **There will be a shortage of at least 13 billion dollars in funds available for all the transportation projects estimated to be needed over the next 20 years. This 13 billion dollars are not included in those new monies recommended in this report.**

Response:

Agree. The *estimated* shortfall shown in the SANDAG Regional Transportation Plan adopted in February 2000 is \$12 billion.

11. **Right of ways for future transportation projects must be acquired, as soon as possible, before they become impossible to obtain because of prior land use.**

Response:

Agree in part. Projects need to be evaluated on a case-by-case basis. If right of way is acquired too far in advance of the actual need, it is removed from the property tax roll too early. Additionally, significant property maintenance issues can arise if properties are acquired too early in the process. Finally, a project environmental impact report must be completed prior to right of way acquisition.

12. **Only one toll road is under construction within San Diego County.**

Response:

Agree.

13. **More parking, shuttle service, and improvements to the transit stations, are necessary if more people are to ride the transit.**

Response:

Agree.

14. **The Escondido-Oceanside rail line will have to be subsidized from some source, other than fares, probably forever.**

Response:

Agree.

15. **Improvements to the coastal train track will be necessary, and more free parking and shuttle service will have to be provided, at most stops.**

Response:

Agree.

16. **By the time the county is built out, the population will double, and it will be necessary to double the present transportation system.**

Response:

Disagree. SANDAG's population projections show the County's population increasing from 2.8 million today, to 3.8 million in 2020 to 4.2 million in 2030. This increase in population does not necessarily mean that the transportation system must double to keep pace. While many transportation systems are at capacity during weekday morning and afternoon peak periods, excess system capacity exists at other times of the day and on other days of the week. Increased efforts in the following areas may be able to significantly reduce the demand on the system: ridesharing, flex hours, telecommuting, improvements to public transit, traffic signal coordination, freeway ramp metering, use of high occupancy vehicle lanes, etc.

- 17. The average bond interest cost is currently at about five per cent per year, while construction costs are currently increasing by as much as 15 per cent per year.**

Response:

Agree in part. The current bond interest rate is about 5% to 5.5%. The California Transportation Commission estimates that transportation-related construction costs will increase 3.4% per year over the next five years.

- 18. Planning and construction take too long. In some cases costs of a project can more than double while in the planning stage. The Oceanside-Escondido rail line is an example of a cost estimate that has doubled since the first concept was approved.**

Response:

Agree in part. Planning, design, environmental assessment and right of way acquisition can be a long, complex process. In the 1987 TransNet ballot proposition, the Oceanside to Escondido rail line was estimated to cost \$60 million. The 2001 estimate for this project is \$332 million. During the 14 years since the ballot measure, inflation has increased the cost as well as changes in the scope of the project. For example, the original plan did not include a loop to serve California State University, San Marcos. This change alone added \$18 million to the project.

- 19. The voters of San Diego County approved a proposition to move the civilian commercial airport to Miramar air station in 1996.**

Response:

Disagree. An advisory proposition on this issue was approved by San Diego County voters (52.3% for and 47.7% against) in the election held on June 7, 1994. The ballot language stated "a yes vote is a vote in favor of local government officials cooperating to relocate San Diego International Airport-Lindbergh Field to the NAS Miramar property for civilian airport use in the event the U.S. Government makes it available for such use."

RECOMMENDATIONS

That the San Diego County Board of Supervisors:

Recommendation 01-131:

Take the lead in the planning, design, construction, modification, and operation of all the projected ultimate transportation facilities using the latest technology (TRANSIMS) within San Diego County, except Caltrans and Amtrak.

Response:

This recommendation requires further analysis. At this time, it is premature to conclude that the County should assume the lead role in planning, design, construction, modification and operation of all the projected ultimate transportation facilities in the County with the exception of state and interstate highways (handled by Caltrans) and intercity rail service (handled by Amtrak).

The Regional Government Efficiency Commission (RGECE) held its final meeting on July 27, 2001 and, as required, delivered their final report to the Legislature on August 1, 2001. This Commission was charged with determining how this region could best consolidate functions and/or agencies to provide more efficient, cost-effective and comprehensive regional transportation planning, funding and project implementation.

RGECE is recommending that the Legislature and Governor (subject to voter approval) create two new entities: 1) An Airport Authority charged with finding a replacement to Lindbergh Field, and 2) An eight member Regional Transportation Authority charged with planning, building and operating new freeways and mass transit services. This new authority would be able to use the power of eminent domain to obtain land for transportation projects.

Until the Legislature and the Governor have acted on the recommendations of the RGECE, it is premature for the Board of Supervisors to take actions to assume the recommended leadership position. Senator Steve Peace, the author of the RGECE legislation, has indicated that he does not intend to begin legislative debate on this issue until the second half of the 2001-2002 session (beginning on January 7, 2002). Therefore, the legislative result of the San Diego regional governance issue will be

determined sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

Recommendation 01-132:

Sponsor Legislation to be introduced and adopted to allow the above recommendation to be implemented.

Response:

This recommendation requires further analysis. For the San Diego Region, SANDAG is the federally designated Metropolitan Planning Organization. Additionally, SANDAG is the Regional Transportation Planning Agency, the Congestion Management Agency and the San Diego County Regional Transportation Commission as designated by the State. As such, SANDAG is responsible for long range transportation planning. Until the Legislature and Governor act upon the RGEK recommendations outlined above, sponsoring legislation which places the Board of Supervisors in the recommended position is premature. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

Recommendation 01-133:

Place a bond proposition on the next ballot for the purpose of planning, to acquire right of ways, to design, to finance, and to construct, in an environmentally sensitive manner, at least one new North-South freeway and one new East-West freeway within San Diego county, with provision for construction of a rail or similar system, or transit within the right of way of each new freeway. The proposition to provide for an extension or improvement to State Highways 52, 67, 76, 78, and 125, possibly into Riverside, Orange, and Imperial counties, and Baja California. The proceeds from the sale of these bonds to be used only for the construction of these projects.

Response:

This recommendation requires further analysis. Until the issue of Regional Governance is determined, it is premature for the Board of Supervisors to take action on placing a bond proposition on the ballot. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

Recommendation 01-134:

Place a proposition on the next ballot to authorize a one half percent sales tax within San Diego County, to take effect immediately after the effective date. The revenue from this one half percent sales tax to be used only for redemption of the bonds issued in the above bond proposition.

Response:

This recommendation requires further analysis. Until the issue of Regional Governance is determined, it is premature for the Board of Supervisors to take action on placing a one half percent sales tax on the ballot. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis of this recommendation can be completed.

Recommendation 01-135:

Place a proposition on the next ballot to authorize a one half cent sales tax to extend the present TransNet tax, for transportation only. To take effect upon the date the present TransNet tax authorization expires in 2008. This tax to be used only as the existing TransNet tax is presently being administered.

Response:

This recommendation requires further analysis. TransNet applies to transportation for all 18 cities and the County of San Diego, therefore a coordinated effort via SANDAG to extend TransNet is required. The SANDAG Board has established a sub-committee to evaluate alternatives relating to a ballot measure which would extend TransNet, but there is no definite plan to do so in place today. If the provisions to be included in such a measure could be decided and there was a desire to place this measure on the November 2002 ballot, a resolution of the Board of Supervisors directing the Registrar of Voters to do so would need to be adopted by August 2002. Otherwise, the extension of the current program could be placed on the 2004 ballot.

Recommendation 01-136:

Consider the construction and operation of toll roads, and/or private investment in highways, transit, or a combination of both.

Response:

This recommendation will not be implemented. Caltrans is currently working with a private firm to construct a toll road along the SR 125 corridor in South Bay from I-905 to San Miguel Road. Caltrans is the appropriate lead agency for the development of any toll roads, as it is responsible for major routes such as freeways and state highways. It is suggested that the Grand Jury contact Caltrans to respond to this recommendation.

Recommendation 01-137:

Consider the use of general obligation bonds or certificates of participation as financing for construction of new transportation facilities.

Response:

This recommendation requires further analysis. Until the issue of Regional Governance is determined, it is premature for the Board of Supervisors to consider what forms of financing should be used to construct new transportation projects. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis of this recommendation can be completed.

Recommendation 01-138:

To assume the leadership role that the County Board of Supervisors has to form a countywide airport district for the purpose of developing a plan, to finance, to acquire property, and to construct a new international commercial airport to serve residents and business of San Diego County.

Response:

This recommendation requires further analysis. The Regional Government Efficiency Commission has recommended to the Legislature and the Governor that a Regional Airport Authority be formed. This authority would be charged with finding a replacement for Lindbergh Field. Assuming the recommended leadership role before the Legislature and Governor have had a chance to review the RGEC recommendations is premature. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

Recommendation 01-139:

Give priority consideration to the construction of a military airfield for the United States Marines on Camp Pendleton and to acquire the property and facilities at Miramar Air Station for construction and operation of an international commercial airport.

Response:

This recommendation requires further analysis. This recommendation is premature for the reasons stated in the response to Recommendation 01-138 (above). It should be noted that the Marines have previously stated that due to environmental and topographical concerns at Camp Pendleton, they cannot shift their operations from MCAS Miramar to Camp Pendleton.

Recommendation 01-140:

Encourage the State of California to look closely at a ferry system and a car-train along the coast from Santa Barbara to San Diego to help relieve traffic on highway I-5.

Response:

This recommendation requires further analysis. Los Angeles, Orange and San Diego Counties have established a Joint Powers Agency (known as LOSSAN) which is charged with providing intercity rail service in the Southern California coastal corridor. LOSSAN has not studied the issue of cost efficiency of either a car-train or a ferry to help relieve traffic congestion in the I-5 corridor. Until such time as LOSSAN analyzes this issue, it would be inappropriate for the County to lobby the State on this matter.

Recommendation 01-141:

Take the lead in planning for and acquiring the right of way for all the projected ultimate needs of the transportation systems for San Diego County.

Response:

This recommendation requires further analysis. Until the issue of Regional Governance is determined, it is premature for the Board of Supervisors to take the lead in acquiring rights-of-way for transportation projects. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

Recommendation 01-142:

Consider the use of a combination of funding which can be made available for debt financing, in addition to bonds. Among those sources are sales tax, property tax, development fees, transit fees, toll roads, state and federal transportation funds, and private funds.

Response:

This recommendation requires further analysis. Until the issue of Regional Governance is determined, it is premature for the Board of Supervisors to consider what forms of financing should be used to construct new transportation projects. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

It should also be noted that developer fees and state and federal transportation funds are currently a large part of transportation funding in San Diego County.

Recommendation 01-143:

Immediately prepare a master transportation plan for the ultimate build out of the county. Whatever plan is adopted by the Board, should be adopted soon to prevent escalation of costs.

Response:

This recommendation requires further analysis. Until the issue of regional governance is decided, this recommendation is premature. The legislative result of the San Diego regional governance issue is scheduled for sometime during the second half of the 2001-2002 legislative session (January 2002 through October 2002). Once this result is known, the County's analysis can be completed.

SANDAG is the agency currently responsible for transportation planning in this region. They have prepared a "2020 Regional Transportation Plan" which was published in April 2000. The County of San Diego submitted its most recent amendment to its part of the plan upon Board approval (May 23, 2001).



City of Vista

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

SEP 05 2001

By: C. NEPOMUCENO, Deputy

RECEIVED

SEP 06 2001

**SAN DIEGO
COUNTY GRAND JURY**

August 29, 2001

The Honorable Wayne L. Peterson
Presiding Judge
220 W. Broadway
San Diego CA 92101

SUBJECT: City of Vista Response to Grand Jury Report

Dear Judge Peterson:

Attached is the City of Vista's response to the Grand Jury findings and recommendations regarding why beaches are closed, as it pertains to Vista.

Sincerely,
CITY OF VISTA



Dan York, P.E.
Principal Engineer

C: San Diego County Grand Jury
Hall of Justice
330 W. Broadway, Suite 477
P.O. Box 92101-3830
San Diego CA 92101-3830

San Diego County Grand Jury 2000-2001

"Why are Beaches Closed"

FINDINGS:

1. Pollution of the Coastal and Bay Waters of San Diego County:

A. Beach closures are excessive.

Response:

Agree in part. Any number of beach closures should be considered excessive and cause for further investigation. However, these closures are not frequent in all areas of the County. For instance, in the City of Vista, no beach closures were recorded in the past two years since Vista is an inland city.

B: When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response:

Agree. This statement is generally true assuming that measures to mitigate this increase are not implemented.

C. As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response:

Agree. We agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms. Given the shallow depth to groundwater in some areas, the minimum amount of unsaturated soil profile necessary to remove bacteria and other environmental pollutants needs to be considered when using infiltration as a treatment method.

2. Pollutants in Urban Runoff:

A. Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.

Response:

Agree in part. A distinction should be made between closures and postings, both of which appear to be within the intended scope of Grand Jury's comments. The California Health & Safety Code, Section, 115885 requires the closure of a beach when a sewage release is known to have reached recreational waters until those waters are determined to be in compliance with standards established in regulations. The act of closing the beach is a preventive public health action to avoid the public's exposure to pathogens that are commonly found in sewage. As noted by the Grand Jury, the presence of pathogens is not tested directly, but is instead indirectly assessed by testing for indicator

bacteria (total coliform bacteria, fecal coliform bacteria, and enterococcus). Indicator bacteria are not pathogenic but they are typically associated with pathogenic bacteria, thereby avoiding extremely expensive and time consuming testing using pathogenic bacteria. With respect to sewage, there is ample scientific evidence to demonstrate the relationship of these indicators to the presence of pathogens.

A second action that is frequently taken for recreational waters is the posting of advisory signs that warn the public when routine testing reveals violations of State bacteriological standards. In most instances, these exceedances are thought to be caused by discharges of urban runoff to recreational waters. As above, testing is conducted to determine levels of indicator bacteria. However, unlike sewage, the relationship of indicator bacteria to pathogens is not as firmly established for urban runoff. There is a great deal of ongoing research, both locally and elsewhere, to better characterize this relationship.

B. Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.

Response:

Agree. These are all examples of diseases that can be contracted via water contact.

C. Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.

Response:

Agree in part. Weekly testing for enterococcus is required from April through October, but the test does not have a 20-day incubation period. The test method used has an incubation period of 24 hours.

D. The proper protocol for the collection of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.

Response:

Finding 2.d. does not pertain to matters under the control of the City of Vista. We are not required to collect water samples or determine the need for closing a beach. The County of San Diego, as the local health officer, is required to perform those tasks.

E. It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.

Response:

Agree. Pollution prevention and source control methods are generally thought to be more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams. However, depending on future progress, a greater reliance on structural controls, including dry weather diversion, may be needed.

- F. During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impacts of these visits is direct and local as well as indirect and extended.**

Response:

Agree. Tourism is a major factor in the regional economy, and much of the tourist industry in San Diego County is focused on local beaches.

- G. Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.**

Response:

Agree.

- H. The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.**

- I. Direct revenues estimated for the year 2000 at the beaches in San Diego County – \$5.75 million.**

- G. Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.**

Response to H,I,J:

The fiscal impact report considers all the beaches in the State of California as a whole and does not appear to address San Diego County. The method for extrapolation of monetary numbers could not be determined.

3. Watersheds in the County of San Diego:

- A. A Watershed URMP requires four disciplines for proper management:**

- **Hydrolics (the chemical reaction in which a compound reacts with the ions of water)**
- **Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean);**
- **Water Chemistry;**
- **Aquatic Ecology (fauna and flora).**

Response:

Agree in part. Good watershed management does require the consideration of these disciplines. However, these scientific and technical aspects are only part of the overall watershed management picture. While RWQCB Order No. 2001-01 does not specifically require that these particular disciplines be addressed in preparing Watershed URMPs, they will be considered as appropriate.

B. Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response:

Agree. In Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 copermittees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. The RWQCB, in Order No. 2001-01, has placed those 10 watersheds into 9 groups that will each require a Watershed Urban Runoff Management Program.

C. Watershed responsibility is shared with the copermittees of the watershed.

Response:

Agree.

D. Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.

Response:

Agree. RWQCB Order No. 2001-01 requires that BMPs reduce pollution in stormwater to the "maximum extent practicable". Copermittee programs as a whole must also ensure protection of water quality. RWQCB Order No. 2001-01 does not make copermittees responsible for ensuring the use of BAT by third parties. BATs are required at some facilities and activities that are subject to state-issued general permits for stormwater.

E. Development and implementation of containment for stormwater runoff is best planned within the entire watershed.

Response:

Agree in part. The planning, development and implementation of effective solutions should consider all relevant factors at the scales which are most appropriate, including watershed. We agree that watershed-scale planning of controls can and should be conducted to the greatest degree possible. However, there are inherent limitations in the ability of Copermittees and other parties in implementing "containment" controls at scales other than local or site-specific. Copermittees are further limited by RWQCB Order No. 2001-01, which requires that "structural treatment BMPs" be constructed close to the sources they serve, and upstream of any beneficial use waters. To the extent that flexibility exists to do so, containment planned on a watershed basis should be pursued.

F. Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.

Response:

Agree. In combination with regional programs and jurisdictional URMPs, water URMPs are a necessary part of overall water quality management efforts.

G. Grease and roots cause the greatest number of spills.

Response:

Agree. During 2000 grease and roots were the cause of 32% of sewage spills Countywide. This is also generally true historically.

H. The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.

Response:

This finding is unclear as to what backcountry is being referenced. In addition, it is unclear whether "conduits" is a reference to road culverts in rural areas, or to buried pipes in urban-area canyons.

If the Grand Jury's reference is to culverts the City of Vista has completed the cleaning of 410 underwalk drains, 732 drainage inlets and 5,000 feet of culverts in the last year. If the reference is the sanitary sewer system the City of Vista & the Buena Sanitation District has cleaned 260 miles of sewer line twice in the last year.

I. The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).

Response:

Agree in part. Countywide in 1999 there were 33 sewage spills that resulted in beach closures and in 2000 there were 47. During that period, the volume of spills increased from 14,565,924 gallons to 71,679,018 gallons. It should be noted that this does not necessarily represent a trend, and that a longer-term record would be needed to substantiate any such assertion.

4. Public Awareness and Activism:

A. Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.

Response:

Agree. Urban runoff management requires the participation of everyone. Encinitas, the City of San Diego, and the Port of San Diego are all examples of programs being implemented in response to stormwater runoff problems.

B. The model should be encouraged to set examples for all others.

Response:

Agree in part. The models referenced in the Grand Jury report represent only a small portion of the total activity being conducted by Copermittees. There are numerous other examples of successful programs and activities that are not mentioned. Copermittees are looking to all relevant sources of information in developing and augmenting their

programs. Especially important sources of such information are the Model Programs currently being cooperatively developed by Copermittees. These address the following elements: (1) land development, (2) construction activities, (3) commercial and industrial facilities, (4) municipal facilities, (5) outreach, (6) illicit discharge elimination, (7) monitoring, (8) data and information management, and (9) watershed management.

C. Citizens are joining together to identify problems and to finally do something.

Response:

Agree. There are many excellent examples of locally initiated efforts to identify and respond to specific water quality problems in the San Diego region.

5. Stormwater Runoff and the Wastewater Department – Management:

- A. The total volume of polluted stormwater spills into the Pacific Ocean has increased in the past two years.**
- B. Considerable funds have been spent for current mechanism to detect sewage spills.**
- C. Tecolote is a known problem area.**
- D. Known problem areas are not monitored effectively after a rain.**
- E. The Metropolitan Wastewater Department is not operating in an effective manner.**
- F. Wastewater Management does not accept responsibility for the spills.**

Response:

The findings of Section 5 only relate to the City of San Diego's Metropolitan Wastewater Department and need not be addressed in this response.

RECOMMENDATIONS:

That the 20 (18 cities, the County, Port District):

01-146: Employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.

Response:

The recommendation has been implemented. The City of Vista has hired 1 staff that is dedicated to compliance with the requirements of RWQCB Order No. 2001-01. The City of Vista has requested 1 additional positions as part of the 2001-02 Fiscal Year budget to enable compliance with the new and expanded requirements of the Order. The City of Vista strives to hire trained and experienced staff to enable compliance with RWQCB Order No. 2001-01. Over the next six months, the City of Vista aims to train additional existing staff to understand the requirements of the Order. The goal is to have the equivalent to 2 full time employees (2 FTE) at all times trained to implement the Order.

- 01-147: Design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.**

Response:

This recommendation has already been addressed, but efforts are ongoing to augment existing planning and monitoring components, both at the jurisdictional and watershed levels, in compliance with Order No. 2001-01. The City of Vista initially developed and implemented an urban runoff management plan in response to Order No. 90-42, issued in July 1990. Since that time the City has worked to improve that program, and is currently working to modify existing activities to comply with the requirements of Order No. 2001-01.

The Copermittees have also jointly conducted a Receiving Waters Monitoring Program since the 1993/94 wet weather season. Funding for this program is shared by the Copermittees. The current Receiving Waters Monitoring Program is currently being modified to conform with the new requirements of RWQCB Order No. 2001-01 and will be submitted by August 20, 2001. Order No. 2001-01 generally requires a significant expansion of existing monitoring activities, as well as a shift to a watershed focus over the next two years.

- 01-148: Establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.**

Response:

The recommendation has been implemented. The City of Vista is working within our internal departments to coordinate implementation of RWQCB Order No. 2001-01.

- 01-149: Explore outside funding of programs (such as grants) which will reduce the number of beach closures.**

Response:

The recommendation has been implemented. The City of Vista has sought and will continue in the future to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures and other water quality impacts. The City has hired a grants writer to assist in seeking outside funding.

- 01-150: Prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.**

Response:

Agree in part. The conversion of open ground to impervious surfaces when land is developed or redeveloped will typically result in less natural absorption of rain. We are unfamiliar with the reference to 40% of open ground lost due to development. RWQCB Order 2001-01 requires

municipalities to impose requirements on new land development projects and those undergoing significant redevelopment. The Copermitees are developing the model Standard Urban Mitigation Plan (SUSMP) that will be submitted to RWQCB for their approval by February 21, 2002. Following approval by the RWQCB the SUSMP will be adopted and implemented within 180 days. The function of the SUSMP is to mitigate the loss of absorption due to construction through various Best Management Practices.

That the Lead Watershed Permittee

01-151: Identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.

Response:

This is not an appropriate role for Lead Watershed Permittees. Sewage spills are the responsibility of sewerage agencies and/or other responsible parties. Under Order No. 2001-01, Lead Watershed Permittees assume no responsibility for tracking, monitoring, or checking areas of sewage "hot spots" except within their own sole jurisdiction.

The role of the Lead Watershed Permittee under RWQCB Order No. 2001-01 is to coordinate the development of a Watershed URMP designed to identify and address potential sources of stormwater pollution.

The City of Vista has developed a detailed Sewer Overflow Prevention Plan (SOPP) and a detailed Sewer Overflow Response Plan (SORP). Both plans are on file with the RWQCB staff and are periodically updated. The City of Vista maintains one cleaning vehicle (Vactor) for each 90 miles of sewers (total of 3 Vactors).



Port of San Diego

and Lindbergh Field Air Terminal

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www.portofsandiego.org

F I L E D
STEPHEN THUMBURG
Clerk of the Superior Court

JUL 17 2001

By: C. NEROMUCENO, Deputy

July 13, 2001

The Honorable Wayne L. Peterson
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92101

SUBJECT: SAN DIEGO COUNTY GRAND JURY 2000-2001 REPORT:
"WHY ARE THE BEACHES CLOSED"?

Dear Judge Peterson:

The Port of San Diego has received and reviewed the above-referenced report, dated May 31, 2001, and prepared by the 2000-2001 San Diego County Grand Jury. The report discusses the recent history of beach closures and the relationship of these events to urban stormwater runoff. The report also notes the recent Municipal Stormwater Permit issued by the San Diego Regional Water Quality Control Board and the requirements of the Permit to develop an Urban Runoff Management Plan. The Grand Jury recommends that each of the 20 municipalities subject to the Order work both individually and cooperatively to implement these Urban Runoff Management Plans and act to protect our local surface waters. The Port of San Diego would like to thank the Grand Jury for keeping public attention on these issues. We agree with the Grand Jury's concerns for controlling urban runoff to prevent beach closures. Please find attached the Port of San Diego response to the Grand Jury report submitted in accordance with Government Code §933.

The Port of San Diego considers urban runoff to be a serious and significant source of contamination to San Diego Bay. More than 200 storm drains discharge contaminated stormwater directly into San Diego Bay, along with the Sweetwater and Otay Rivers, and Switzer, Chollas and Paleta Creeks, and other smaller tributaries and channels carrying urban runoff from the tideland and upland areas. The Port of San Diego is aggressively implementing our comprehensive stormwater management plan, a plan recognized by the Grand Jury in their report. The goal of the Port of San Diego Urban Runoff Management Plan is to assess the sources of pollution and to curtail their discharge into San Diego Bay through the stormwater conveyance system. We are taking a leadership role in working cooperatively with our member cities and all the

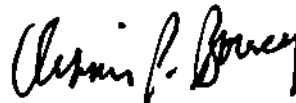
The Honorable Wayne L. Peterson
Page 2
July 13, 2001

municipalities within the San Diego Bay watershed to effect programs that will reduce the impacts of urban runoff on the Bay.

The Port of San Diego is presently working with the Resource Conservation District of Greater San Diego County and several San Diego City Schools around the Bay, on a public education program concerning stormwater impacts. We continue to organize and host public workshops on Integrated Pest Management in an effort to advise the professional landscaping community about natural biologic alternatives to the use of herbicides and pesticides in the San Diego Bay watershed and the entire region. And we are evaluating and revising our own procedures to ensure that stormwater issues are brought to the forefront of planning and implementation of physical change in the tideland areas.

Please call me at 619-686-6254 if you have any questions or require additional information.. Thank you.

Sincerely,



Dennis Bouey
Executive Director
San Diego Unified Port District

824
DB/DM/RG:cmh

cc: Dan Wilkens

File: Beach Monitoring 2001/URAP Correspondence
S:Richard/Letters/Grand Jury Response

In accordance with Government Code §933, the Port of San Diego provides the following responses to the Findings and Recommendations of the Grand Jury.

Findings of the San Diego County Grand Jury 2000-2001

1. Pollution of the Coastal and Bay Waters of San Diego County

Grand Jury Finding 1.a: Beach closures are excessive.

Response: The Grand Jury's report indicates the number of beach closures in 1998 increased over the previous year, after a five-year trend of decreases in the annual number of beach closures. The report indicates that the number of beach closures in 1999 was an increase over the number of beach closures in 1998. The report also notes the numbers of beach closures in the year 2000. The seven beaches within the jurisdiction of the Port of San Diego were closed a total of 44 times for the years 1998, 1999, and 2000 combined. On average, each of the seven beaches is closed twice a year. We hesitate to call the number of beach closures in our jurisdiction "excessive." We are concerned anytime one of our beaches is closed.

Grand Jury Finding 1.b: When land is developed, stormwater runoff increases because there is less land available to absorb water.

Response: We agree that land development generally results in loss of pervious surfaces, which in turn generally results in increases in the volume and velocity of stormwater runoff.

Grand Jury Finding 1.c: As man-made structures cover more land there is less land for natural water seepage. Natural water seepage of 20 feet can result in water which is free of coliform organisms.

Response: We agree that there is less land surface available for natural water seepage when man-made structures cover more land. And we would agree that in general natural water seepage (often called "infiltration") through 20 feet of unsaturated soil profile could result in water that is free of coliform organisms. Given the shallow depth to groundwater throughout most of our jurisdictional area, the Port of San Diego is evaluating the minimum amount of unsaturated soil profile necessary to remove bacteria and other environmental pollutants using the natural processes that occur as urban runoff infiltrates through the soil.

2. Pollutants in Urban Runoff

Grand Jury Finding 2.a: Pathogens close beaches. These pathogens are identified from sample testing of coliform bacilli and enterococci.

Response: As a point of clarification, the California Health & Safety Code, Section 115885, requires the closure of a beach when a sewage release is known to have reached recreational waters until those waters are determined to be in compliance with standards established in regulations. The act of closing the beach is a preventive public health action to avoid the public's exposure to pathogens that are commonly found in sewage. The testing conducted to determine compliance use indicator bacteria, total coliform, fecal coliform (a subset of the total), and enterococcus. Indicator bacteria are not pathogenic but they are typically found with pathogenic bacteria, thereby avoiding extremely expensive and time consuming testing using pathogenic bacteria.

Grand Jury Finding 2.b: Some water-borne pathogenic diseases include salmonella, typhoid fever, viral and bacteria gastroenteritis and hepatitis.

Response: We agree that typhoid fever, viral and bacteria gastroenteritis, and hepatitis are water-borne pathogenic diseases. Salmonella, however, is a disease-causing pathogen and not a disease per se.

Grand Jury Finding 2.c: Testing for enterococcus is now required which has a 20-day incubation period before it shows up in a culture medium.

Response: The Port of San Diego is not required to collect and analyze water samples for enterococcus, though we may elect to do so at times to address our own concerns. We note that the California Department of Health Services (DHS) has identified alternative Recommended Test Methods for enterococcus that have reduced analysis time to as little as 24 hours.

Grand Jury Finding 2.d: The proper protocol for the collections of water samples is fundamental and is potentially subject to numerous errors. The time between the sample taken and closing the beach is 24 to 36 hours.

Response: Finding 2.d. does not pertain to matters under the control of the Port of San Diego. We are not required to collect water samples or determine the need for closing a beach. The County of San Diego, as the local health officer, is required to perform those tasks. However, we note that protocols for collecting water quality samples have generally been designed to minimize errors.

Grand Jury Finding 2.e: It is costly to treat stormwater as it goes directly in the oceans, lakes, and streams.

Response: We would agree that pollution prevention and the control of sources of stormwater pollution are generally more cost-effective than treating urban runoff prior to discharging directly into the ocean, bays, lakes, and streams.

Grand Jury Finding 2.f: During the year 2000 there is estimated to have been 39,635,858 visits to Ocean Beaches including Mission Bay. The economic impacts of these visits is direct and local as well as indirect and extended.

Response: We would agree that tourism is a major factor in the regional economy, and that much of the tourist industry in San Diego County is focused on the local beaches.

Grand Jury Finding 2.g: Local residents not only spend money to enjoy beach-time; they also spend money in nearby communities as a result of traveling to and from the beach. This is especially true of the out of town visitors.

Response: We would agree that local residents make use of the beaches around San Diego Bay, and spend money at the beach and in nearby communities while traveling to and from the beaches. And again, we would agree that tourism is a major factor in the regional economy, and that much of the tourist industry in San Diego County is focused on the local beaches.

Grand Jury Finding 2.h: The following monetary numbers are extrapolated from "The Fiscal Impact of Beaches in California," Public Research Institute, San Francisco State University, September 1999.

Grand Jury Finding 2.i: Direct revenues estimated for the year 2000 at the beaches in San Diego County – \$5.75 million.

Grand Jury Finding 2.j: Direct, indirect, and induced revenues estimated for the year 2000 at the beaches in San Diego County - \$3 billion.

Response: We have reviewed the fiscal impact report cited by the Grand Jury. The fiscal impact report considers all the beaches in the State of California as a whole. The Grand Jury did not describe their method of extrapolation. Nonetheless, we accept the statements as the Grand Jury's findings.

3. Watersheds in the County of San Diego

Grand Jury Finding 3.a: A Watershed URMP requires four disciplines for proper management: Hydrolics (the chemical reaction in which a compound reacts with the ions of water); Hydrology (the science of dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, and flow to the ocean); Water Chemistry; Aquatic Ecology (fauna and flora).

Response: We agree that Watershed Urban Runoff Management Programs (URMPs) will need to incorporate the scientific principles of hydrology, water chemistry, and aquatic ecology. We are unfamiliar with the term "hydrolics," however, "water chemistry" encompasses the concept described in parentheses.

Grand Jury Finding 3.b: Nine of the watersheds in San Diego County drain to the ocean, bays, and some lakes.

Response: We would agree that, in Order No. 2001-01, the San Diego Regional Water Quality Control Board (RWQCB) has found that the 20 copermittees discharge urban runoff into ten of the eleven hydrologic units (watersheds) comprising the San Diego Region. And we would agree that the San Diego Regional Water Quality Control Board, in Order No. 2001-01, has placed those 10 watersheds into 9 groups that will each require a Watershed Urban Runoff Management Program.

Grand Jury Finding 3.c: Watershed responsibility is shared with the copermittees of the watershed.

Response: We agree.

Grand Jury Finding 3.d: Development of BMPs and BATs will need to demonstrate to the RWQCB that proper management techniques are in position.

Response: We would agree that Section C of RWQCB Order No. 2001-01 essentially requires that BMPs and BATs include management techniques to ensure effectiveness. The copermittees are required to develop Jurisdiction Urban Runoff Management Programs that describe measures implemented to control pollutants in urban runoff discharges. The San Diego RWQCB enforces compliance with the Order.

Grand Jury Finding 3.e: Development and implementation of containment for stormwater runoff is best planned within the entire watershed.

Response: We would agree that the development and implementation of stormwater containment devices throughout the entire watershed might be advantageous, in terms of lower costs and greater effectiveness in removing pollutants.

Grand Jury Finding 3.f: Watershed URMPs need to be developed and implemented to control pollutants in the lakes, streams, and ocean.

Response: We agree that Section J. of RWQCB Order No. 2001-01 requires that the permittees develop Watershed Urban Runoff Management Programs (URMPs).

Grand Jury Finding 3.g: Grease and roots cause the greatest number of spills.

Response: In reference to sewage spills, the Port of San Diego does not track reports of the known or suspected causes of sewage spills. We accept the statement as the Grand Jury's finding.

Grand Jury Finding 3.h: The backcountry and canyons are not monitored routinely, cleaned, and trees and brush removed from around the conduits.

Response: Finding 3.h. does not pertain to matters under the control of the Port of San Diego.

Grand Jury Finding 3.i: The total number of spills has not varied significantly but the volume of the spills has increased considerably (sic).

Response: In reference to sewage spills, Finding 3.i. does not pertain to matters under the control of the Port of San Diego.

4. Public Awareness and Activism

Grand Jury Finding 4.a: Solving the stormwater runoff problem requires the residents, tourists, and other visitors of the County of San Diego to be involved. Three examples of implementing programs to control Urban Runoff are Encinitas, the City of San Diego and the Port of San Diego.

Response: We agree.

Grand Jury Finding 4.b: The model should be encouraged to set examples for all others.

Response: We appreciate the Grand Jury recognition of the Port of San Diego's Urban Runoff Management Program. And we will continue to modify and expand our program to increase our effectiveness in preventing stormwater contaminants from entering San Diego Bay.

Grand Jury Finding 4.c: Citizens are joining together to identify problems and to finally do something.

Response: We would agree that there is now a heightened sense of urgency in addressing urban runoff as a source of water pollution, but we believe the public has been concerned about water pollution, especially in San Diego Bay, for several decades.

5. Stormwater Runoff and the Wastewater Department – Management

Grand Jury Findings 5.a, 5.b, 5.c, 5.d, 5.e, and 5.f: See report.

Response: The findings of Section 5 do not pertain to matters under the control of the Port of San Diego.

Recommendations of the San Diego County Grand Jury 2000-2001

Grand Jury Recommendation 01-146:

That the 20 (18 cities, the County, the Port District) employ at least one full-time person qualified by training and experience in the minimum of the nine identified watersheds to establish, implement, and effect the requirements of RWQCB Order No. 2001-01.

Response: The Port of San Diego currently has a full-time Senior Environmental Specialist and a full-time Associate Environmental Specialist employed in the Environmental Services Department and dedicated to implementation of the Port of San Diego's Urban Runoff Management Program, which is designed to address RWQCB Order No. 2001-01.

Grand Jury Recommendation 01-147:

That the 20 (18 cities, the County, the Port District) design, create, fund, and implement a Storm Water Management Program, Storm water Pollution Plan, Urban Runoff Management Plan, or equivalent, which includes a comprehensive and representative storm water/urban runoff discharge monitoring program.

Response: The Port of San Diego will continue to modify and revise our existing Urban Runoff Management Plan in order to fulfill the requirements of RWQCB Order No. 2001-01. Our Urban Runoff Management Plan includes provisions for a monitoring urban runoff. RWQCB Order No. 2001-01 also requires the Copermittees to conduct a joint Receiving Waters Monitoring Program.

Grand Jury Recommendation 01-148:

That the 20 (18 cities, the County, the Port District) establish a common plan of work to manage runoff, in their individual communities to involve Departments of Public Works (water, sewer, streets), Planning, Finance, Police and Sheriff, and Harbor and Beach.

Response: The Port of San Diego's Urban Runoff Management Plan either directly or indirectly involves every Department in the organization.

Grand Jury Recommendation 01-149:

That the 20 (18 cities, the County, the Port District) explore outside funding of programs (such as grants) which will reduce the number of beach closures.

Response: The Port of San Diego has sought, continues currently and will continue in the future to seek outside funding (such as grants) to assist in the study, design, and implementation of programs directed at reducing the number of beach closures around San Diego Bay.

Grand Jury Recommendation 01-150:

That the 20 (18 cities, the County, the Port District) prepare mitigation procedures for a land developer to replace the 40% of open ground that is lost from natural absorption of urban runoff due to construction.

Response: The Port of San Diego's Urban Runoff Management Plan will include provisions to require mitigation for impacts to surface water quality, quantity, and hydrology resulting from development and construction activities.

Grand Jury Recommendation 01-151:

That the Lead Watershed Permittee identify locations of frequent sewage spills (hot spots) and establish a procedure for checking these areas at all times and particularly during and following a rain.

Response: The Port of San Diego is listed as the Lead Watershed Permittee for the San Diego Bay Watershed in RWQCB Order No. 2001-01. As such, we will coordinate the development a Watershed Urban Runoff Management Plan designed to address potential sources of stormwater pollution. Sewage spills are one source of stormwater pollution that will be addressed, and the Grand Jury's recommendation may be incorporated into the Watershed Urban Runoff Management Plan.

CONDITIONS & MANAGEMENT OF DETENTION FACILITIES IN SD COUNTY



San Diego County Sheriff's Department

Post Office Box 429000 • San Diego, California 92142-9000



William B. Kolender, Sheriff

John M. Drown, Undersheriff

June 5, 2001

The Honorable Wayne L. Peterson
Presiding Judge, San Diego Superior Court
County of San Diego
220 West Broadway, Room 2004
San Diego, CA 92101-3877

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

JUN 11 2001

By: C. NEPOMUCENO, Deputy

Dear Judge Peterson:

Response to the San Diego County Grand Jury 2000-2001 Report: "Conditions and Management of Detention Facilities in San Diego County"

The above titled document contains numerous recommendations by the sitting Grand Jury to the Sheriff and other County officials regarding issues of management and conditions in the various detention facilities located in San Diego County.

This correspondence will serve as a response to those issues specifically directed to the Sheriff's Department concerning those facilities or operations under my jurisdiction.

George Bailey Detention Facility:

01-60: "Sheriff's Office provide an intake briefing for all new arrivals regarding the rules and regulations"

Several of the jails currently provide this service to all new inmates. It is the Sheriff Department's intent to bring all facilities in line with this policy. Expected completion date will be within the next six months.

01-61: "Sheriff's Office develop a plan to insure that the medical records are readily available upon request"

The policy will be amended to delegate to the medical records clerk, the responsibility to locate any chart not currently at the George Bailey Detention Facility. When located, the facility currently in possession of the record will fax the appropriate documents for the physician's review.

San Diego Central Jail:

01-67: "Sheriff's Office prepare a video of the rules and regulations and show it to each new arrival"

The response to this recommendation is the same as provided for the similar recommendation for the George Bailey Detention Facility. 01-60.

- 01-68: "Sheriff's Office review the nurse staffing levels at this facility, and whether they are in compliance with the Union Contract"

Medical Services has reviewed the nursing staff levels and find them to be in compliance with the union Memorandum of Agreement at this time.

- 01-69: "Sheriff's Office install the dialysis machines"

Dialysis machines have been installed and services are ongoing.

East Mesa Detention Facility:

- 01-80: "Sheriff's Office increase the Counseling Program"

The staffing levels and program issues are addressed during annual budget deliberations. These issues are prioritized and compete with other items for available funding. At the present time, the Counseling staff at East Mesa is adequate for the program design, however, the issue will be reviewed again during the next fiscal year budget cycle.

- 01-81: "Sheriff's Office East Mesa Otay Detention Facility administration periodically check the books, magazines and games for conditions and replace them as needed"

This should be an ongoing process at all Sheriff Detention Facilities. This recommendation will be specifically forwarded to the Command staff for review and implementation.

Descanso Detention Facility:

- 01-85: "Sheriff's Office develop a plan so that nurses can receive additional trauma training"

The emergency response training has been developed and is in progress.

- 01-86: "The nurses employed by the Sheriff's Office who receive trauma training provide training to other nurses, especially those in rural areas"

Staff will be trained to be trainers at their facilities to include rural areas.

Juvenile Hall:

01-93: "The Sheriff's Office dietitian develop a menu that might be more appealing to the juveniles"

Food service delivery to children and teenagers is governed by state mandated nutritional standards. Working within those standards precludes the presentation of certain food, while tasty, may be nutritionally deficient for the well being of the child.

However, the Sheriff Department's dietitian will explore viable alternatives in an attempt to satisfy nutritional requirements in a more appealing manner.

Girl's Rehabilitation Facility:

01-99: "Sheriff's Office Dietitian develop tastier menus that are more appealing to teenagers"

See 01-93 above.

In conclusion, I would like to express my appreciation to the members of the Grand Jury for their time and effort in conducting their review and inspection of the various detention facilities in San Diego County.

If there are any issues that need further clarification or additional discussion, please feel free to contact the Assistant Sheriff in charge of the Detention Services Bureau, Jim Marmack at (858) 974-2278.

Sincerely,



William B. Kolender, Sheriff

WBK/JED/ct

cc. Patrick F. Culkin, Foreman
2000-2001 San Diego County Grand Jury

cc. Board of Supervisors
County of San Diego



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools
Rudy M. Castruita, Ed.D.

RECEIVED

August 21, 2001

AUG 24 2001

SAN DIEGO
COUNTY GRAND JURY

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

AUG 23 2001

The Honorable Judge Wayne L. Peterson
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92101

By: C. NEPOMUCENO, Deputy

Dear Judge Peterson:

This letter is in response to the San Diego County Grand Jury 2000-01 Report entitled "Conditions and Management of Detention Facilities in San Diego County." I agree with the Grand Jury Recommendations: 01-103, 01-104, and 01-113. In response to these recommendations, I have summarized the investigative activities and courses of action presently underway by the Juvenile Court and Community Schools (JCCS) staff.

**01-103: Investigate the feasibility of a vocational program at this facility.
(Camp Barrett)**

Camp Barrett has a work program currently in place through which the school program provides work experience credit and related job instruction. In addition to the Work Experience Program, the school principal has been contacting local vocational resources in efforts to re-establish vocational classes at this facility. JCCS administrators have met twice with representatives from the Regional Occupation Program at Rancho del Campo. Likewise, the Grossmont Adult Education, who previously provided a vocational landscaping program, has been contacted regarding expanding vocational opportunities at Camp Barrett.

Presently, the JCCS operates the Job Readiness Program serving primarily the Metro Region of San Diego. The JCCS staff is attempting to expand the Job Readiness Program to include students at Camp Barrett. This exciting program provides paid job opportunities and adult mentoring for selected JCCS students.

01-104: Provide more computers in the classrooms. Perhaps the computers in the computer lab could be installed in the classrooms. (Camp Barrett)

The school facility is being remodeled. Upon completion of the remodeling, classroom computers will be reinstalled and the computers set aside for the computer lab will be relocated to the classrooms. The JCCS staff is investigating additional funding resources (grants, donations, etc.) to provide more computers for the classrooms.

Board of Education

Nick Aguilar Ernest J. Dronenburg, Jr. Susan Fay Jim Kelly John Wirt

SERVICE AND LEADERSHIP

Honorable Judge Wayne L. Peterson
Page 2
August 21, 2001

01-113: Investigate the possibility of some additional vocational classes at this facility. (Rancho del Campo and Rancho del Rayo).

The principal of Rancho del Campo School has been researching an up-to-date curriculum for vocational education and has established a proposed plan. The plan includes using computer-based career assessment with all Rancho del Campo and Rancho del Rayo students. By using the "Choices" career software, students will complete the educational program and subsequently develop a career plan based upon their needs, skills, and preferences.

Students will be assigned research projects using the "2001 Occupational Outlook Report." With guidance from the JCCS school counselor and counselor aides, each student will develop a realistic and individualized career portfolio. Information regarding required training or higher education will also be provided. Students will be able to identify and select local educational resources where they can attain their career goals at little or not cost.

The information contained in this response to the Grand Jury Report has been shared with the Probation Department to ensure the Department is aware of our action plan and can assist us with implementation as needed.

Sincerely,



Rudy M. Castruita, Superintendent
San Diego County Office of Education

RC/CMi/CL

cc: Alan Crogan, Chief Probation Officer
Charles Lee, JCCS Executive Director



County of San Diego

RECEIVED
SEP 25 2001

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA 92101-2472

RECEIVED

SEP 26 2001

SAN DIEGO
COUNTY GRAND JURY

September 19, 2001

The Honorable Wayne L. Peterson
Presiding Judge
San Diego Superior Court, Dept. 1
220 West Broadway
San Diego, CA 92101

2000-2001 FINAL GRAND JURY REPORT – RESPONSES FROM THE COUNTY OF SAN DIEGO

Dear Judge Peterson:

Attached, please find the Board of Supervisors' responses to the findings and recommendations included in the 2000-2001 San Diego County Grand Jury Final Report concerning detention facilities, transportation and water quality for your transmittal to the Grand Jury.

If you have any questions concerning this matter, please contact me at (619) 531-6226.

Best regards,

WALTER F. EKARD
Chief Administrative Officer

Attachment

San Diego County Grand Jury 2000-01 Conditions And Management Of Detention Facilities In San Diego County

(NOTE: Recommendations directed to the Sheriff will be addressed directly to the Grand Jury under a separate cover. The following findings and recommendations were directed to the Board of Supervisors, Chief Administrative Officer, Chief Probation Officer, Director of General Services and Director of the Health and Human Services Agency)

VISTA DETENTION FACILITY

Findings:

- 1. Leaking water is causing damage to the interior of this facility.**

Response:

Agree. An investigation into this matter revealed that the floor penetrations were leaking. Completion of these repairs is scheduled for mid-September 2001.

- 2. The maintenance log indicates that maintenance personnel are finding it difficult to keep up with the repairs listed on the monthly report.**

Response:

Disagree in part. This finding refers to ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. If service requests are classified as routine maintenance activities and do not pose a risk to health and safety, these are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

- 3. A preventive maintenance plan is lacking.**

Response:

Disagree. A comprehensive preventive maintenance plan is in place at this site, utilizing "Facility Center" (formerly named "SPAN") software.

- 4. On December 6, 2000, the Health Department found that pipes leaking in the food and chemical areas may have contained contaminated wastewater.**

Response:

Disagree. Although this information was noted by the Health Department, General Services staff has determined that the water spots discovered on the dry food

containers stored beneath the pipes were due to drips through the floor penetrations of the kitchen sink drain pipes. Soapy water from the floor cleaning process was dripping through the openings surrounding the pipes. The pipes themselves were not leaking, nor did the pipes contain contaminated wastewater.

Recommendation 01-55:

Department of General Services inspect and repair or replace the roof in a timely manner.

Response:

The recommendation has been implemented. Repair of the roof was included in the FY 99/00 Capital Improvement Plan (CIP). A life-cycle analysis revealed that replacement was a better solution. Construction began in June 2001 and completion is scheduled for mid-October 2001.

Recommendation 01-56:

Department of General Services solve the leaking water problems.

Response:

The recommendation is in the process of being implemented. An investigation into this matter revealed that the floor penetrations were leaking. Large drip pans are being installed beneath each floor penetration and epoxy is being applied around each pipe to fill in the penetration space. Completion of these repairs is scheduled for mid-September 2001.

Recommendation 01-57:

Department of General Services review and repair the deferred maintenance such as the water damage, light fixtures, mildew and painting.

Response:

The recommendation is in the process of being implemented. Repairs to the walls, replacement of ceiling tiles, mildew remediation and replacement of light fixtures are all planned to follow flood testing of the new roof, as referenced in Recommendation 01-55. Completion of these repairs is scheduled for late October 2001.

Recommendation 01-58:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

Recommendation 01-59:

Department of General Services make a complete assessment of this facility and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The CAO's FY 01-02 Adopted Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

GEORGE F. BAILEY DETENTION FACILITY

Findings:

- 3. Many of the toilets, showers and sinks were not functioning. Many of the plumbing valves were leaking.**

Response:

Agree. This is an ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. Routine maintenance activities such as the ones described that do not pose a risk to health and safety are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

- 4. There appears to be a design defect in the plumbing valves for the sinks and toilets.**

Response:

Agree. Repair of defective plumbing is in progress.

- 5. Many shower heads need replacement.**

Response:

Agree. This is an ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. A routine maintenance activity, such as the one described that does not pose a risk to health and safety are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

6. The doors between the housing units were sticking.

Response:

Agree. The Department of General Services has addressed this problem by incorporating door maintenance into the regular maintenance of the housing units.

7. There is deferred maintenance.

Response:

Disagree. This finding references ongoing maintenance that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property.

8. A preventive maintenance plan is lacking.

Response:

Disagree. A comprehensive maintenance plan is in place at this site, utilizing "Facility Center" (formerly named "SPAN") software.

9. There are 14 maintenance personnel and a supervisor for this facility and East Mesa Otay Detention Facility.

Response:

Agree. Of the 14 maintenance personnel, four are dedicated to Central Plant Operations and ten oversee maintenance duties.

Recommendation 01-62:

Department of General Services make a complete inspection of the plumbing, and replace or repair the defective plumbing.

Response:

The recommendation has been implemented. Plumbing repairs have been completed.

Recommendation 01-63:

Department of General Services review and solve the sink and toilet valve problems.

Response:

The recommendation has been implemented. Plumbing valves on sinks and Flush-o-meters on toilets have been repaired.

Recommendation 01-64:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-65:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

Recommendation 01-66:

Department of General Services make an assessment of this facility and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Adopted Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

CENTRAL DETENTION FACILITY

Findings:

4. There is deferred maintenance.

Response:

Disagree. There is no deferred maintenance at the Central Jail. The building has only been occupied since 1998 and there are no outstanding work requests.

5. There is one maintenance person assigned to this facility.

Response:

Disagree. Four (4) full time Building Maintenance Engineers, one (1) full time security alarm technician, one (1) part time electrician, and one (1) part time supervisor are all assigned to the Central Jail.

6. There is no long-term preventive maintenance plan.

Response:

Disagree. A comprehensive maintenance plan is in place at this site, utilizing "Facility Center" (formerly named "SPAN") software.

Recommendation 01-70:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-71:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. Maintenance needs were reviewed and Department of General Services and Sheriff's Department representatives determined that staffing levels are adequate to meet the maintenance needs at this facility. No additional maintenance personnel are required at this time.

Recommendation 01-72:

Department of General Services make a complete assessment of this facility and prepare a long-term preventive [maintenance] plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

SOUTH BAY DETENTION CENTER

Findings:

1. There is deferred maintenance.

Response:

Disagree. This finding references ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. If service requests are classified as routine maintenance activities and do not pose a risk to health and safety, these are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

2. There is [a] preventive maintenance [plan].

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-73:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-74:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

Recommendation 01-75:

Department of General Services make a complete assessment of this facility and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

LAS COLINAS WOMEN'S DETENTION CENTER

Findings

1. The facility requires constant maintenance because of its age and heavy use.

Response:

Agree. Ongoing maintenance activity is necessary given the facility's age and wear and tear that is common in detention facilities where inmates generally have little respect for property.

2. There are three maintenance personnel.

Response:

Disagree. Four (4) positions are assigned to this facility. Three (3) full time and one (1) part time Building Maintenance Engineers and one (1) part time supervisor are all assigned to Las Colinas.

3. Many of the maintenance items are postponed because the maintenance personnel are unable to keep up with the workload.

Response:

Disagree. Maintenance is not postponed. If service requests are classified as routine maintenance activities and do not pose a risk to health and safety, these are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

4. A preventive maintenance plan is lacking.

Response:

Disagree. A comprehensive maintenance plan is in place at this site, utilizing "Facility Center" (formerly named "SPAN") software.

Recommendation 01-76:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. Maintenance needs were reviewed and Department of General Services and Sheriff's Department representatives determined that staffing levels are adequate to meet the maintenance needs at this facility. No additional maintenance personnel are required at this time.

Recommendation 01-77:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-78:

Department of General Services make a complete assessment of this facility and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The

assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

EAST MESA OTAY DETENTION FACILITY

Findings

3. There is deferred maintenance.

Response:

Disagree. This finding references ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. If service requests are classified as routine maintenance activities and do not pose a risk to health and safety, these are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

4. There is a preventive maintenance plan.

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-82:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-83:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

Recommendation 01-84:

Department of General Services make a complete assessment of this facility and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

DESCANSO DETENTION FACILITY

Findings:

2. There is deferred maintenance.

Response:

Disagree. This finding references ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. If service requests are classified as routine maintenance activities and do not pose a risk to health and safety, these are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

3. There is a preventive maintenance plan.

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-87:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-88:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

Recommendation 01-89:

Department of General Services make a complete assessment of this facility, and prepare a preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

JUVENILE HALL

Findings

1. There is a need for additional classrooms.

Response:

Agree. An additional classroom will be provided for the Girls' Rehabilitation Facility by the third quarter of FY 2001-2002. With the completion of East Mesa Juvenile Detention Facility in December of 2003, the population at the current Juvenile Hall will decrease thereby eliminating the need for more classrooms.

2. The recreation fields in many areas are shoddy and need better care.

Response:

Disagree in part. The Department of General Services has repaired and/or replaced the irrigation systems to improve the health of the lawns. The fields are being monitored to determine how well the grass responds to this action. Routine maintenance such as fertilizing and mowing is ongoing.

3. There are not enough rooms for mental health interviews.

Response:

Agree. The Probation Department will provide additional interview rooms in some of the living units.

4. The juveniles complained about the food.

Response:

Agree. The detainees will be surveyed in reference to the acceptability of the food and Food Services personnel will make changes in their menus.

5. The public address system was loud and created a disruption in the classrooms.

Response:

Agree. A new public address system is being installed and adjustments to the volume will be made to balance student needs with safety and security needs.

6. There is deferred maintenance.

Response:

Disagree. This finding references ongoing maintenance activity relative to normal wear and tear that is common in an institution and exacerbated in detention facilities where inmates generally have little respect for property. If service requests are classified as routine maintenance activities and do not pose a risk to health and safety, these are prioritized with other maintenance needs at County facilities, including those that serve children and seniors. Average completion time for routine maintenance is two days.

7. There is a preventive maintenance plan.

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-90

Board of Supervisors obtain funding to build more classrooms.

Response:

The recommendation is in the process of being implemented. While there is a short-term need for additional classroom space, construction plans are underway for a long-term answer.

A construction grant from the Board of Corrections was awarded in May 2001, which provides for a 20-bed expansion of the Girls' Rehabilitation Facility and the addition of a third classroom. The classroom should be operational during the third quarter of FY

2001-2002. In addition, the new East Mesa Juvenile Detention Facility is scheduled for completion in December 2003. As a result, the population at the current Juvenile Hall will decrease. These two projects will relieve pressure for additional classroom space in the existing facility.

Recommendation 01-91:

Department of General Services renovate the recreation fields to make them safe.

Response:

The recommendation has been implemented. The Department of General Services has completed repairs to the irrigation systems on the recreation fields.

Recommendation 01-95:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department of General Services has and will continue to execute current maintenance strategies.

Recommendation 01-96:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. Maintenance needs were reviewed and the Department of General Services and the Probation Department determined that staffing levels are adequate to meet the maintenance needs at this facility. No additional maintenance personnel are required.

Recommendation 01-97:

Department of General Services make a complete assessment of this facility and prepare a preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of all County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

GIRL'S REHABILITATION FACILITY

Findings:

- 1. There is a waiting list for wards to enter the program.**

Response:

Agree. The Girls Rehabilitation Facility received a grant for a 20-bed expansion and occupancy is scheduled for December 2002.

- 2. The facility has an excellent program.**

Response:

Agree. The Girls Rehabilitation Facility provides numerous program components to the wards.

- 3. The wards did not like most of the food.**

Response:

Agree. The detainees will be surveyed in reference to the acceptability of the food and Food Services personnel will make changes in their menus.

- 4. There is deferred maintenance.**

Response:

Disagree. This finding references routine maintenance. Current work order statistics indicate that no backlog exists. Maintenance requests are completed at this facility in a timely and efficient manner.

- 5. There is a preventive maintenance plan.**

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-98:

Probation Department expand the Girls' Rehabilitation Facility to accommodate more wards.

Response:

The recommendation is in the process of being implemented. An \$800,000 construction grant from the Board of Corrections was awarded in May 2001, which provides for a 20-bed expansion of the Girls' Rehabilitation Facility. Occupancy is scheduled for December 2002. The additional beds will significantly reduce the waiting list of wards scheduled to enter the program.

Recommendation 01-100:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-101:

Department of General Services review the maintenance needs to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. Maintenance needs were reviewed. Department of General Services and Probation Department representatives determined that staffing levels are adequate to meet the maintenance needs at this facility. No additional maintenance personnel are required.

Recommendation 01-102:

Department of General Services make a complete assessment and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

CAMP BARRETT

Findings:

1. There is no vocational component in the education program.

Response:

Agree. Feasibility of vocational training and funding is being explored with the County Office of Education and the Regional Occupational Program.

2. The computer lab is not being used.

Response:

Agree. Upon completion of construction of new classrooms, the Probation Department will identify space availability for expansion of the computer lab.

3. There are few computers in the classrooms.

Response:

Agree. The County Office of Education recently received a grant to install additional computers in the Camp Barrett classrooms.

4. There are 88 juveniles in the camp.

Response:

Agree. Previously Camp Barrett was rated by the Board of Corrections for 80 wards. The Probation Department has increased the Board rated capacity to 125 wards.

5. The camp has a bed capacity of 260 since the INS detainees have left.

Response:

Disagree. The Board of Corrections has increased the board rated capacity from 80 to 125 wards since the INS detainees have left.

6. There is deferred maintenance.

Response:

Disagree. This finding references routine maintenance. Current work order statistics indicate that no backlog exists. Maintenance requests are completed at this facility in a timely and efficient manner.

7. There is a preventive maintenance plan.

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-103:

Probation Department and County Office of Education investigate the feasibility of a vocational program at this facility.

Response:

The recommendation is in the process of being implemented. The Probation Department, the County Office of Education staff and the Regional Occupational Program (ROP) Coordinator have met to discuss the implementation of a vocational program at Camp Barrett. Primary focus is given to all wards to work toward completion of G.E.D. and/or high school diploma requirements to best prepare them for a wide range of employment opportunities. Currently, the ROP Coordinator is exploring funding sources for the program. Youth Correctional Center (YCC) wards have been given a survey to determine which type of vocational courses they would be interested in pursuing. If successful with funding, it is anticipated the program will be implemented in the future to complement course work as indicated above.

Recommendation 01-104:

Probation Department provide more computers in the classrooms. Perhaps, the computers in the computer lab could be installed in the classrooms.

Response:

This recommendation is in the process of being implemented. The County Office of Education recently received a grant to install computers in each of their high school classrooms. Camp Barrett classrooms are currently undergoing remodeling and new construction. It is anticipated this will be completed in September 2001. The Probation Department will identify space availability and expansion by possibly renovating an existing trailer into a computer lab for the wards.

Recommendation 01-105:

Probation Department transfer more juveniles to this facility since the camp is underutilized with the departure of the INS detainees.

Response:

This recommendation has been implemented. On January 5, 2001 the INS contract was terminated and the prisoners transferred to another facility. On January 27, 2001 the YCC orientation wards, housed at JRF in Campo, were transferred to Camp Barrett/YCC program. A request was submitted to the Board of Corrections to increase the board rated capacity from 80 to 125 wards. The three dorms to house the YCC wards and the fourth dorm will be used to facilitate programming and recreation activities.

Recommendation 01-106:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-107:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. Maintenance needs were reviewed. Department of General Services and Probation Department representatives determined that staffing levels are adequate to meet the maintenance needs at this facility. No additional maintenance personnel are required.

Recommendation 01-108:

Department of General Services make a complete assessment of this facility and prepare a long-term preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

JUVENILE RANCH FACILITY

Findings:

- 1. Wards have limited physical exercise because of the extreme climate in this area.**

Response:

Disagree in part. Wards have physical recreation on a daily basis. During extreme climate, the wards recreate in their dorms.

- 2. There is no indoor recreation facility.**

Response:

Agree. The Probation Department is seeking a funding grant to construct a multipurpose facility.

- 3. Volleyball courts have cracked and uneven asphalt.**

Response:

Agree. The volleyball courts have been resurfaced and re-stripped. Repairs were completed in July 2001.

- 4. One of the outdoor basketball courts has cracked and uneven asphalt.**

Response:

Agree. The basketball courts have been resurfaced and re-stripped. Repairs were completed in July 2001.

5. There are no lockup cells.

Response:

Agree. The Juvenile Ranch Facility is a minimum security open setting as designated by Board of Corrections standards and lockup cells are provided for disruptive wards at Juvenile Hall.

6. There are few vocational classes.

Response:

Agree. The County Office of Education will begin using the "Choices" career software with the wards so they can develop career plans.

7. There is deferred maintenance.

Response:

Disagree. This finding references routine maintenance. Current work order statistics indicate that no backlog exists. Maintenance requests are completed at this facility in a timely and efficient manner.

8. There is a preventive maintenance plan.

Response:

Agree. Preventive maintenance is addressed through regular inspections of the County's equipment and facilities.

Recommendation 01-109:

Probation Department develop a plan (e.g. building an indoor recreation facility) to provide more physical exercise, taking into consideration the extreme climate in the area.

Response:

The recommendation is in the process of being implemented. The Probation Department is seeking a funding grant to construct a multipurpose facility for use as a gymnasium/auditorium for the ward population. In the meantime, in spite of the weather extremes, physical recreation for the wards will be provided on a daily basis. It is rare for wards not to get outside for recreation as Probation staff work to vary the recreation time depending upon the weather. During extremely hot or cold weather, the wards recreate in their dorms, (i.e. calisthenics, mat recreation and relays). New air conditioning and heating units have been added in all of the dorms with funds from the deferred maintenance grant.

Recommendation 01-110:

Department of General Services renovate the volleyball courts.

Response:

The recommendation has been implemented. Asphalt on the volleyball courts was replaced in May 2001.

Recommendation 01-111:

Department of General Services renovate the basketball court.

Response:

The recommendation has been implemented. Asphalt on the basketball court was replaced in May 2001.

Recommendation 01-112:

Probation Department consider having a few lockup cells for the control of disruptive wards.

Response:

The recommendation will not be implemented. JRF is a minimum security open setting as designated by Board of Corrections standards. Adding detention cells or locked rooms would change staffing patterns and give staff less flexibility to work with the majority of the ward population, who benefit from the current camp program. Disruptive wards are removed to Juvenile Hall which gives them time to reflect on their behavior and to understand what is expected of them at the Juvenile Ranch Facility. In addition, a number of removals also need additional care from forensic staff which is better delivered at Juvenile Hall.

Recommendation 01-113:

Probation Department and the County Office of Education investigate the possibility of some additional vocational classes.

Response:

This recommendation has been implemented. Probation Administration met with the Rancho Del Campo High School Principal and San Diego County Office of Education staff to enhance the school program curriculum for vocational education. Because wards are 13 to 18 years old and the longest program is 12 weeks, the school will begin using the "Choices" career software with wards. Students will develop a career plan based on their own needs, skills, and preferences. School counselors will assist each student in developing a realistic and individualized career portfolio. Wards will also be provided with information regarding required training or higher education necessary to achieve their goals as well as educational resources in the community.

Recommendation 01-114:

Department of General Services review and continue with the current maintenance.

Response:

The recommendation has been implemented. The Department has and will continue to execute current maintenance strategies.

Recommendation 01-115:

Department of General Services review the maintenance needs of this facility to determine if more maintenance personnel are needed.

Response:

The recommendation has been implemented. The Board of Supervisors approved approximately ten new facilities maintenance positions in the FY 2001-2002 Operational Plan (budget). Staffing levels will continue to be adjusted in relation to the maintenance needs at this facility.

Recommendation 01-116:

Department of General Services make a complete assessment of this facility and prepare a preventive maintenance plan.

Response:

The recommendation has been implemented. An assessment of *all* County facilities was conducted and four-year major maintenance plans were developed in 1998. The assessment of detention facilities is ongoing as the County evaluates over two million square feet of detention facilities annually to determine additional needs and to update the Major Maintenance Multi-Year Plan. The FY 2001-2002 Operational Plan (budget) includes \$11 million for Major Maintenance, with over \$5.0 million allocated for Sheriff and Probation department facilities.

CAMP WEST FORK

Findings:

- 1. Camp West Fork is remote and is expensive to run.**

Response:

Agree. Camp West Fork was closed in May 2001 due to low population and cost of operating the facility.

- 2. The work done by the work crews is beneficial to the community and profitable to the County.**

Response:

Agree. All work crews were transferred to the Work Project Unit.

Recommendation 01-117:

Probation Department continue to provide the work crew program at another site.

Response:

This recommendation has been implemented. The Probation Department transferred all work crews to the Work Project Unit.

A.B. & JESSIE POLINSKY CHILDREN'S CENTER

Findings:

- 1. Should an emergency arise, some cribs in the nursery are too large to go through the doors.**

Response:

Disagree. All cribs have been modified to fit through the doors.

- 2. The cribs were located all over the nursery and in the hallway. The nursery was disorganized.**

Response:

Disagree in part. Many of the children entering Polinsky Children's Center need continual care which can be more easily provided when the child is in the primary care area. Staff can provide more comprehensive care to the infants when they are more accessible.

- 3. An expanded computer program for the assessment and tracking of wards was suggested by the staff.**

Response:

Agree. Polinsky Children's Center is in the final testing phase for a new computer program which will expand the use of automated information.

- 4. There is no separate housing for children with medical problems.**

Response:

Disagree. Polinsky Children's Center has three isolation rooms in the medical area.

- 5. The center continues to be overcrowded.**

Response:

Agree. Polinsky Children's Center has prepared a plan of action to alleviate overcrowding which is implemented when the population increases. However, since this facility is the placement of last resort, there are times that the population increases past target levels. Further details regarding the action plan can be found under Recommendation 01-122.

6. Foster parents are paid between \$300 and \$1000 per month.

Response:

Disagree in part. The San Diego County Board of Supervisors has been proactive in increasing payments to foster parents by:

- Allocating funds to provide a yearly \$100 clothing allowance for each foster child.
- Placing emphasis on assessing children who have special needs resulting in additional children receiving a special care rate which provides additional funds to the foster parent. Children qualifying for a special care rate have increased from 656 in September 1998 to 1870 in June 2001.
- Supporting legislation at the State level to increase payments to foster parents. This is necessary because the State sets the level of payment to foster parents.

7. There are not enough foster homes.

Response:

Agree. The Agency is always in need of quality foster homes that can be used to provide care to the dependent children of San Diego County. The County's efforts to increase the number of foster homes have been successful in that San Diego County was the only Southern California county to increase the total number of foster homes (+200) last year.

Recommendation 01-118:

Center provide smaller cribs and larger door frames in the nursery.

Response:

The recommendation has been implemented. Cribs have been modified to fit through the doors. In the future, cribs will be purchased that fit through the doors.

Recommendation 01-119:

Center to provide a proper nursery for infants.

Response:

The recommendation is in the process of being implemented. Polinsky Children's Center staff have provided quality care for infants in an adequate environment. However, in an effort for continuous improvement, Polinsky management staff has evaluated the physical layout of the Infant Cottage's floor plan and is developing a remodeling plan. Staff have visited several nurseries and have researched state-of-the-art facilities in order to incorporate them into our nursery. The purpose is to enhance the effective and efficient use of space to foster a more nurturing and less restrictive activity area for infants. A donor has expressed potential interest in underwriting this project.

Recommendation 01-120:

Center to install an expanded computer program for the assessment and tracking of residents.

Response:

The recommendation is in the process of being implemented. The Polinsky Children's Center is replacing the existing computerized Children's Center Tracking System with a new computerized information management system called Kids Information Data System. This comprehensive computerized data management system is scheduled for operation in mid-November and will initially include the Intake, Tracking, Cottage and Release Modules, and integrated photo identification technology. The system will enable Polinsky Residential Care Worker (RCW) staff to enter information pertaining to children in their respective cottages. Future modules under development are Medical Services, School and Mental Health Services.

Recommendation 01-121:

Center to provide a separate location for children with medical health problems.

Response:

The recommendation has been implemented. Currently, Polinsky Children's Center has three rooms, located in a separate area in the Medical Clinic, specifically reserved for children with communicable diseases or medical needs requiring ongoing observation but not hospitalization. To date, this has met the needs of the resident population. Additional rooms can be made available for medical isolation purposes as needed.

Recommendation 01-122:

Health and Human Services Agency develop a plan to relieve the overcrowding and make these recommendations to the Board of Supervisors.

Response:

The recommendation has been implemented. The Health and Human Services Agency, under the Board of Supervisors direction, has been actively implementing improvements to the foster care system which, in turn, would relieve overcrowding at Polinsky. Key to the reduction of overcrowding at Polinsky is the need to evaluate all potential family resources and to develop more foster home and residential care options.

- Social workers assigned to Polinsky Children's Center continue to immediately evaluate each new entry at Polinsky Children's Center for possible relative placement. This program, in coordination with the efforts of regional staff, has accounted for the expedited release of over 2,600 children during FY 1999-2000. This effort was expanded when six additional social workers were added to the project.
- The admission policy and procedures have been updated to ensure that regional staff evaluate all placement alternatives prior to entry into Polinsky Children's Center. Regional General Managers are required to personally review the efforts of regional staff to locate alternate resources. If none are available, entry into

Polinsky Children's Center is authorized. These policy changes were instrumental in decreasing the average population.

- The San Pasqual Academy, a long-term residential/educational facility, is being established to provide a stable environment for adolescents without prospects of family reunification. The establishment of this facility will increase the overall number of placement resources for the adolescent population.
- Two multi-disciplinary assessment teams meet with regional staff to ensure that long-term planning is occurring and placement resources are identified. This has been very successful in identifying additional resources and alternative placements. The teams have been particularly effective in decreasing the number of children under the age of six at the facility.
- The Board of Supervisors approved the implementation of the North County Assessment Center. This project provides assessment services which include identifying relatives and/or other resources in the child's community for placement to avoid placement in Polinsky. This process allows the child to remain in a home environment, reduces the entries and transportation time necessary to transport the child to Polinsky Children's Center.
- Off-campus intensive day treatment services for adolescents are being developed. The program is designed to provide needed mental health services off site to those children at greatest need. This will enhance the level of service to these children and stabilize them so they can move to an appropriate placement sooner. In addition, it will allow for additional staff focus on children without severe mental health problems in our after school programs.
- Foster Home Recruitment campaign continues the challenging task of increasing the number of licensed foster homes and expanding the capacity of foster care. San Diego County is only county in Southern California to increase the number of foster homes. The number of foster homes has increased by 196 in the past year.
- Services to foster parents and relatives have been expanded in an effort to improve retention. These include Kinship Support Centers throughout the county and Placement Specialists in each region.
- The Health and Human Services Agency has been working with group home providers to develop additional residential care resources. Devereaux and San Diego Center for Children will open a campus in the near future that will serve 22 children.
- The San Diego County Board of Supervisors has approved additional funding to assist foster family agencies in developing more homes. Increased funding will result in more intensive services devoted toward stabilizing placements.

The implementation of these protocols has resulted in a 9.6% reduction in the average daily attendance during the last quarter of FY 2000-2001 compared to the same time period last year.

Recommendation 01-123

The Health and Human Services Agency look into the possibility of increasing payments to foster parents. This may increase the number of foster parents and relieve the over-crowding at the Center.

Response:

The recommendation has been implemented. The San Diego County Board of Supervisors has been proactive in increasing payments to foster parents by:

- Allocating funds to provide a yearly \$100 clothing allowance for each foster child.
- Placing emphasis on assessing children who have special needs resulting in additional children receiving a special care rate which provides additional funds to the foster parent. Children qualifying for a special care rate have increased from 656 in September 1998 to 1870 in June 2001.
- Supporting legislation at the State level to increase payments to foster parents. This is necessary because the State sets the level of payment to foster parents.

TRANSPORTATION IN SD COUNTY

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466
FAX (619) 234-3407

July 12, 2001

ADM 121, AG 240 (PC 30100)

The Honorable Wayne Peterson
Presiding Judge of the Superior Court
Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

RECEIVED

JUL 16 2001

SAN DIEGO
COUNTY GRAND JURY

Dear Judge Peterson:

Subject: SAN DIEGO COUNTY GRAND JURY 2000-2001 REPORT: "TRANSPORTATION IN
SAN DIEGO COUNTY"

You have requested that the Metropolitan Transit Development Board (MTDB) respond to
Recommendation Nos. 01-144 and 01-145 of the subject report.

Recommendation No. 01-144 states "Actively develop a plan to double track the rail line along the coast of San Diego County including lowering the rail line through the City of Encinitas and the City of Del Mar and constructing an environmentally sensitive structure above and below the track where it is necessary to protect the track, the bluff, and the beach."

Those portions of the rail line from the boundary of the City of San Diego and the City of Del Mar north are owned by the North San Diego County Transit Development Board (NSDCTDB). It is therefore within the jurisdiction of the NSDCTDB to develop such a plan and to respond with regard to the timeframe for implementation.

Recommendation No. 01-145 states "Construct more free parking at station stops to enable more people to ride the Coaster and to consider the use of rail right-of-way for parking in place of acquiring additional property." Steps are currently underway between MTDB and North County Transit District (NCTD) to expand parking at the Sorrento Valley Coaster Station. Construction is expected to be completed by 2003. In addition, MTDB is working with NCTD to provide a new Coaster station along Nobel Drive in the University City area. While currently in the design stages, it is expected that the station will be constructed by fiscal year 2004. Lastly, MTDB is managing a feasibility study of a possible parking structure at the Old Town Transit Center (which is also a Coaster stop). There is no established timeline for this project at this time.

Thank you for the opportunity to comment on the Grand Jury Report.

Sincerely,



Thomas F. Larwin
General Manager




DDarro/L-GRANDJURY.JLIMBE

cc: County Board of Supervisors

Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration

Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

For personal trip planning or route information, call 1-800-COMMUTE or visit our web site at sdcommute.com



August 3, 2001



F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

AUG 06 2001

By: C. NEPOMUCENO, Deputy

The Honorable Wayne L. Peterson
Presiding Judge, Superior Court
County of San Diego
220 W. Broadway
San Diego, CA 92104

Re: Response to San Diego Superior Court Grand Jury Report
Regarding Transportation in San Diego County

Dear Judge Peterson:

The North County Transit District (NCTD) welcomes the report by the San Diego Grand Jury about transportation issues in San Diego. The challenges facing the County in developing more transportation options and reducing traffic congestion are significant since there are not sufficient resources to fund all necessary transportation projects. The Grand Jury makes a number of conclusions regarding services that NCTD operates and we wish to provide information and what steps we are taking to improve services or to develop solutions to issues the Grand Jury has identified in its report.

Page 2 - Findings

The coastal train tracks are at capacity. The coastal railroad corridor in San Diego County is primarily a single-track railroad. This significantly limits the capacity of the railroad, which is currently running at capacity during peak hours of operation. On March 29, 2001, the NCTD Board adopted a policy that outlines a strategy for working with the San Diego Association of Governments (SANDAG), the California Department of Transportation (Caltrans), AMTRAK, the Metropolitan Transit Development Board (MTDB), Burlington North and Santa Fe (BNSF), and our coastal communities to develop a plan to comprehensively double-track the rail corridor. NCTD and Caltrans currently have projects in process to improve the capacity of the right of way and we continue to aggressively seek funding to construct more double track improvements along the railroad right of way.

Passenger train utilization is limited at station stops and the lack of shuttles to and from the stations.

Currently, NCTD has 1,834 parking spaces at train stations with an average daily ridership for the Coaster of 4,500. The District is working with the Cities of Encinitas, Oceanside and Solana Beach to add more parking at these stations. Parking capacity is an issue since ridership on the Coaster continues to increase. NCTD is making every effort to coordinate buses and trains as part of its new Fast Forward service plan to be implemented September 16, 2001. Currently, NCTD works with MTDB to fund the

The Honorable Wayne L. Peterson
Presiding Judge, Superior Court
August 3, 2001
Page 2

successful Sorrento Valley Coaster Connection shuttle and provides a Coaster Connection route to serve Encinitas. Additional shuttle routes from Carlsbad Poinsettia Station are planned for the Palomar Road corridor in 2002.

Studies of the Escondido-Oceanside rail line indicate that it will not take many cars from State Highway 78 and parallel routes, but will take people from buses.

Investigation revealed that to increase utilization of the trains, parking and shuttle service will have to be provided at most station stops.

This rail project is much needed to maintain fast travel times and attract more people to public transportation across the S.R. 78 corridor. Overall, the rail project is expected to attract more new riders than former bus riders. NCTD has prepared a conceptual service plan that would be implemented when the new rail project starts. This plan includes convenient shuttle routes at stations to help riders conveniently reach destinations not directly adjacent to the stations.

Page 11- Environmental

More parking and improvements to transit stations must take place if more people are to use public transportation.

Good access to train service is critical to maximizing ridership. NCTD has an on-going capital program to improve its facilities and to add parking where feasible. In addition, improving bus stops and bus connections to rail service are part of NCTD's Fast Forward service improvements and Strategic Plan to be implemented over the next ten years.

To remain affordable, the Oceanside-Escondido track maintenance and trains will have to be subsidized from sources other than fares.

All public transit services within San Diego County rely on public subsidies to operate. The Oceanside-Escondido rail service will also need public operating subsidies, however this service is projected to fund about half its operating costs from fares. Proportionality, this is higher than many other modes of public transit.

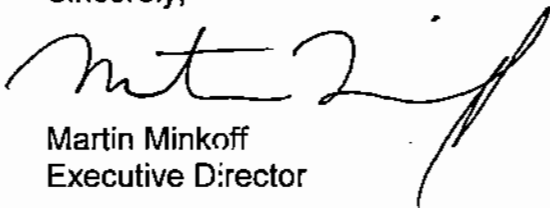
The Honorable Wayne L. Peterson
Presiding Judge, Superior Court
August 3, 2001
Page 3

In response to the Grand Jury's specific recommendations, we offer the following:

- 01-144: On March 29, 2001 the NCTD Board of Directors adopted a Coastal Double Track Implementation Policy that includes a strategy for actively developing a plan, and completing environmental review of that plan, for double tracking of the coastal railroad corridor from the Orange County Line to San Diego, with the exception of the Del Mar Bluffs, pursuant to the SANDAG 2020 RTP Transit Element.
- 01-145: Currently, parking expansion projects are underway at the Oceanside, Encinitas and Sorrento Valley stations. Each is in a different stage of development, but will result in expanded parking at these locations in the next 18-24 months. The potential expansion of parking at the Solana Beach Station is currently being explored through the development of a mixed use, joint development project. A strategy for expanding parking for the Carlsbad Village Station is currently being developed with the goal of achieving some near term parking improvements while more substantial improvements can be developed.

Thank you for the opportunity to respond to the points made by the Grand Jury.

Sincerely,



Martin Minkoff
Executive Director

cc: Members of the North San Diego County Transit Development Board
San Diego Grand Jury
Thomas Larwin, Executive Director, MTDB
Gary Gallegos, Executive Director, SANDAG

BOUNDARIES OF MISSION BAY PARK



THE CITY OF SAN DIEGO

RECEIVED

AUG 21 2001

August 20, 2001

RECEIVED

AUG 22 2001

SAN DIEGO
COUNTY GRAND JURY

Honorable Wayne L. Peterson
Presiding Judge, San Diego County Superior Court
220 W. Broadway, Department SD-P
San Diego, CA 92101

Dear Judge Peterson:

Subject: Response to San Diego County Grand Jury Report

In compliance with California Penal Code §933.05, the City of San Diego has thoroughly reviewed the May 24, 2001 report from the San Diego County Grand Jury entitled "Boundaries of Mission Bay Park." Responses are enclosed for all findings and recommendations contained in the report and are consistent with the requirements and instructions of enclosed California Penal Code §933.05.

The City values the effort put forth by the Grand Jury in following up on a recommendation of the 1999-2000 Grand Jury regarding a survey to determine the exact dimensions of Mission Bay Park and the leaseholds within its boundaries. Also, in investigating complaints regarding the accuracy of the survey and the implication that the company performing the survey had a possible conflict of interest. The City is in general agreement with the "Facts" and "Findings" section of the Grand Jury report. However, there are a number of corrections to these sections which are noted in the attached responses to the findings and recommendations.

Mission Bay Park is an unique and diverse recreational resource that is well balanced between commercial development and public parks that is enjoyed by more than 15 million visitors a year. The recently completed survey determined, among other things, the boundaries of Mission Bay Park and the ratio of leased land and water to the total amount of dedicated land and water that comprises Mission Bay Park. The survey was performed with the highest degree of integrity and accuracy.

Many findings in the Grand Jury report reinforced the City's belief that the survey was conducted in a consistent manner according to the direction of the City Manager. There were no limitations set on the surveyor by the City Manager to deviate from generally accepted standards. The standards used by the surveyor were approved by Federal, State and local agencies. The report also found the City is in compliance with City Charter Section 55.1.



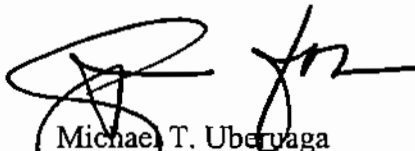
Page 2

Honorable Wayne L. Peterson

August 20, 2001

The Grand Jury report made several suggestions that will help the City look for ways in which to improve the quality of the Mission Bay Park experience.

Sincerely,



Michael T. Uberuaga
City Manager

MU/CA/TR

Enclosures

**CITY OF SAN DIEGO RESPONSE TO GRAND JURY REPORT
BOUNDARIES OF MISSION BAY PARK**

Pursuant to Penal Code §933.05, the City of San Diego provides the following responses to the above entitled Grand Jury Report.

FINDINGS

SURVEY

- 1. The total dedicated land area of Mission Bay Park is 1936.69 acres.**

The Respondent disagrees with this finding. The total dedicated land area of Mission Bay Park is 1936.36 acres.

- 2. The total dedicated water area of Mission Bay Park is 2298.92 acres.**

The Respondent agrees with this finding.

- 3. The total acreage of Mission Bay Park is 4235.61 acres (4248.93 acres on the 1968 survey-a difference of minus 13.65 acres).**

The Respondent disagrees with this finding. The total acreage of Mission Bay Park is 4235.28 acres.

- 4. The area of marshland (wetlands) was not determined from the air as boundaries have to be determined on the ground.**

Respondent partially disagrees with this finding. The boundaries of the wetlands could be determined by ground surveys only as well as with a combination of ground and aerial surveys.

- 5. The measurement of wetlands is not included in standard surveying procedures.**

The Respondent partially agrees with this finding. Standard surveying procedures establish methods of measuring defined areas on the ground, including what would be defined as wetland areas. Boundaries of any wetland areas would need to be defined and delineated on the ground independently by qualified biologists, hydrologists, or other geotechnical professionals.

6. **Survey was done to the highest degree of accuracy possible. The degree of accuracy over the total area was within ½ acre.**

The Respondent agrees with this finding.

7. **Title search found that there were ten parcels totaling 26.84 acres of the park, which had been designated to be within the park, but for which no record of City Council action of dedication was found. This area had been included in the park area and maintained by Park staff. The Grand Jury believes that this was a clerical oversight discovered by a competent surveyor and not a deliberate attempt to increase the land area on the part of the City Council. The city corrected this oversight and formally dedicated these 26.8 acres at a regular council meeting on October 8, 2000.**

The Respondent agrees with this finding.

8. **The largest parcel of previously undedicated land was around the visitors' center and includes areas around the picnic tables, the boat ramp, and part of the parking lot.**

The Respondent agrees with this finding.

9. **Retracement and remeasurement of old survey monuments was performed. Assistance of a retired former City employee, who was involved in previous surveys, was of invaluable assistance in finding old monuments.**

The Respondent agrees with this finding.

10. **A metes and bounds survey determined the exact boundaries of the leased land, which had not been previously established.**

The Respondent disagrees partially with this finding. Most of the leases in the Mission Bay Park had a metes and bounds description of the leaseholds prior to this survey.

COMPLIANCE

11. **The survey established that the large commercial leaseholders were in compliance with their leases.**

The Respondent agrees with this finding.

12. **The survey also found that some leaseholders, adjacent to the Park, mainly in the De Anza Trailer Park area has unwittingly encroached on parkland. The City has notified these leaseholders by letter and corrective action has been initiated.**

The Respondent agrees with this finding.

13. **Some leaseholders were found to be entirely within the Park, some were partially in the Park and partially in tidelands, and some were entirely in the tidelands area.**

The Respondent agrees partially with this finding. All leaseholds were within the Park with some leaseholds occupying tidelands areas only as well as others that are located on areas of the Park that are not tidelands.

14. **In order to comply with state law directing that income derived from tidelands has to be spent on tidelands, a fair ratio of tidelands to the total area (4%) had to be established.**

The Respondent partially disagrees with this finding. An accurate determination of the acreage associated with leaseholds contained within tidelands was determined by the survey in order to calculate the income derived from the leaseholds that must be spent on tidelands.

15. **There are seven non-commercial leaseholders occupying a total of 14.003 acres of land.**

The Respondent agrees with this finding.

16. **The inclusion of non-commercial leaseholds in the total land area for leaseholds is provided for by amended City Council Policy 700-08, Section 55.1 of the City Charter.**

The Respondent agrees partially with this finding. City Council Policy 700-08 as amended provides for the inclusion of non-commercial leaseholds in the calculation of leaseable land in Mission Bay Park. However, City Council Policy 700-08 is not part of Section 55.1 of the City Charter.

17. **Total commercial and non-commercial lease parcel area is 461.595 acres of land. This represents 23.83% of total land area and leaves some 12 acres for any future development (see chart).**

The Respondent disagrees with this finding. Currently, there is a total of 464.095 acres of land encumbered by leaseholds. This represents 23.9% of the total land in Mission Bay Park. There are 19.995 acres remaining under the 25% of total land cap. These numbers reflect a 2.5 acre leasehold expansion of Dana Inn as approved by the City Council in November 2000.

18. **The City is within the limits of the 484.725 acres or 25% of total land available for leasehold as provided by Section 55.1 of the amended Charter, if the wetlands are included (see chart).**

The Respondent agrees partially with this finding. The City is within the 25% limit of total lands for development of leaseholds in Mission Bay Park. There are up to 484.09 acres of land available for leasehold development in Mission Bay Park under Charter Section 55.1. However, the amount of land associated with wetlands has not been determined, therefore, no definitive statement can be made as to their impact.

The Respondent disagrees with the following values contained in the chart included in the Findings Section of the Grand Jury Report:

| <u>Description</u> | <u>Chart Value</u> | <u>Correct value</u> |
|---|--------------------|----------------------|
| Park area by ordinance Prior to October 2000 | 4208.77 | 4208.44 |
| Total Park Area (subsequent to Ordinance 18884) | 4235.61 | 4235.28 |
| Land Area | 1936.69 | 1936.36 |
| Total Land/Water Area | 4235.61 | 4235.28 |
| Acres Available for Lease (with permit approval) - Land | 22.5775 | 22.495 |
| Maximum Permitted Leasehold Areas - Land | 484.1725 | 484.09 |

The corrected values in the chart reflect the status of leaseholds in Mission Bay Park prior to the 2.5 acre leasehold expansion of Dana Inn as approved by the City Council in November 2000.

WETLANDS

19. **The U.S. Army Corps of Engineers uses three characteristics of wetlands when making wetland determinations: Soil conditions, vegetation, and hydrology. It is not measurable by standard surveying practices and requires the services of specialists in various fields (Soil Engineers, Biologists, Army Corps of Engineers) to ascertain the precise extent of wetland areas.**

The Respondent agrees partially with this finding. As stated in the response to Finding number 5, standard surveying procedures establish methods of measuring defined areas on the ground, including what would be defined as wetland areas. Boundaries of any wetland areas would need to be defined and delineated on the ground independently by qualified biologists, hydrologists, or other geotechnical professionals.

20. **The measurement of the wetlands area was not required by the City in the surveying contract and was not done.**

The Respondent agrees with this finding.

SPIRIT OF THE MASTER PLAN

- 21. The spirit of the Master Plan for Mission Bay Park calls for a maximum use of the park for public recreations and enjoyment.**

The Respondent agrees with this finding. It is the City's priority in maintaining Mission Bay Park as a premier attraction and maximizing its use for the enjoyment of the public. The Mission Bay Master Plan clearly provides for a balance of recreational and commercial use geared toward visitors and tourists. Commercial leases are visitor-serving and therefore enhance the public enjoyment of the Park.

- 22. Page 51 of the 1994 Update of the Mission Bay Park Master Plan suggests that "419.45 acres in dedicated leases should be considered a practical maximum" (there are, in fact 461.595 see chart) and creating wetlands "would raise the dedicated lease percentage", implying that the original planners did not consider wetlands are areas which could be considered for development.**

Respondent disagrees with this finding. Section 24 on page 51 of the Master Plan states that "...450.46 acres in dedicated leases should be considered a practical maximum." This value refers to the practical maximum once the total development recommended in the Master Plan is completed. The 419.46 acre figure is found below the chart on the same page and is inconsistent with the development recommended in the controlling text of the Master Plan. While there are currently 464.095 acres leased in Mission Bay Park, staff has determined that if all of the development recommended in the Master plan is completed, there would be a total of 450.602 acres developed into leaseholds.

- 23. Since wetlands are unsuitable for development, in any case, it would, therefore, seem reasonable to subtract the area of wetlands from the total land area available for commercial development.**

Respondent disagrees with this finding. A separate survey was not conducted of the wetland areas in Mission Bay Park. Therefore, since wetlands contain both land and water areas, the amount of land associated with wetlands has not been determined and, therefore, no definitive statement can be made as to their impact. Moreover, the City Charter and all relevant Council Policies do not speak to the quality of the land in Mission Bay Park. These provisions clearly refer to the quantity of land for determination of leasehold development limits. In addition, there are many other different types of land areas that exist within Mission Bay Park, similar to the land associated with wetlands, that could not easily be developed into leaseholds (sandy beach areas, least tern nesting areas, dedicated park streets, rock areas above the mean high tide line, land associated with required setbacks, public playgrounds, public rights of way, etc.). These areas are all part of the total land area that constitutes Mission Bay Park.

THE FUTURE

- 24. Three parcels totaling 5.6 acres, which are extensions to existing leaseholds, are in the planning stage.**

The Respondent agrees with this finding.

- 25. There is a possibility that some Caltans land(area K on the aerial photograph) of 1.38 acres will be added to the total park area.**

The Respondent partially agrees with this finding. While it may ultimately be possible to obtain this parcel from CALTRANS in the future, the City has no plans to enter into negotiations with CALTRANS for this land.

- 26. When the Trailer Park lease expires on November 3, 2003, some lease land (approximately 17 acres) may revert to public use if they are not leased.**

The Respondent agrees partially with this finding. The De Anza Harbor Resort (trailer park) lease expires on November 23, 2003. Furthermore, substantial acreage would be turned into public park including a bike/walking path along the parameter of the leasehold.

CONFLICT OF INTEREST

- 27. The survey contract was awarded after an advertised and competitive bidding process. Qualified bidders did not need to prove expertise to surveying wetlands.**

The Respondent agrees with this finding. Qualified surveyors did not need to prove expertise in surveying wetlands because the scope of the survey did not require a wetland survey.

- 28. The city did not supply documents that a Conflict of Economic Interest (FPPC Form 700) had been filled out by the surveying company as part of the contract and claims that the company was exempt from doing so.**

The Respondent agrees with this finding. The City complied with all requirements and policy in contracting with the surveyor.

- 29. Another company, which had been contracted to do environmental work for one of the large leaseholders, later merged with the surveying company.**

The Respondent agrees with this finding.

30. **The time of the merger was after the surveying work had been in progress.
(Contract awarded in June 2000, merger concluded in October 2000)**

The Respondent agrees with this finding.

31. **There was no change in the area of the involved leasehold as a result of the survey.**

The Respondent agrees with this finding.

32. **The Grand Jury Concluded that no conflict of interest existed.**

The Respondent agrees with this finding.

RECOMMENDATIONS

- 01-128: **That the City Manager require all parties, which have contracts with the City, furnish a Statement of Economic Interest, as part of their contract, to prevent the perception of a possible conflict of interest by the public.**

This recommendation will be implemented for all contracts where such statements are currently required as well as all contracts for which it is recommended by the City Attorney's Office or other City Departments that deal with these types of contracts.

- 01-129: **That the San Diego City Council review and refine the definition of land and wetlands in the calculation of the total land available for lease in Mission Bay Park within the spirit of the Mission Bay Master Plan Update of February 1994. This can be accomplished by an amendment to the City Charter which refines the definition of wetlands in order that they are not included in the total amount of land available for leasehold development.**

This recommendation has been implemented to the extent that a review was considered by the San Diego City Council Natural Resource and Culture Committee at their May 30, 2001 meeting. The Committee considered refining the definition of land and wetlands and conducting additional surveys of wetlands as well as the possibility of amending the City Charter. The resulting action by the Committee did not include a new survey or a revision of the definition of land under City Charter Section 55.1. A copy of the minutes from the May 30, 2001 meeting of the Committee on Natural Resources and Culture is attached.

01-130: That the San Diego City Council consult with the Natural Resources and Cultural Committee and other groups of concerned citizens who are committed to preserving the maximum of Mission Bay Park for public use.

This recommendation has been implemented. The San Diego City Council Natural Resource and Culture Committee reviewed and discussed issues surrounding the Mission Bay Park survey at their May 30, 2001 meeting. There was public testimony provided by numerous groups and individual citizens at this meeting.

**THE COMMITTEE ON NATURAL RESOURCES AND CULTURE
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**ACTIONS FOR
WEDNESDAY, MAY 30, 2001, AT 9:00 A.M.**

**COUNCIL COMMITTEE ROOM (12TH FLOOR), CITY ADMINISTRATION
BUILDING
202 C STREET, SAN DIEGO, CALIFORNIA**

(For information, contact Leslie Perkins,
Council Committee Consultant, 619-533-3980.)

COUNCIL COMMENT

ACTION: None received.

PUBLIC COMMENT

ACTION: None received.

ITEM-1: Report from the City Manager on a pending METROPOLITAN WASTEWATER DEPARTMENT CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT: South Bay Water Reclamation Plant Change Orders.

(See CMR 01-106; Equal Opportunity Contracting Program Evaluation)

ACTION: Motion by Councilmember Inzunza, second by Councilmember Peters to approve the City Manager's recommendation.

VOTE: 3-0; Madaffer-yea, Peters-yea, Wear-not present, Inzunza-yea, District 6-vacant

ITEM-2: Report from the City Manager on pending WATER AND SEWER ENGINEERING PROJECTS:

- A. Group Jobs #605A, 619, 677, 539, 699, 634B, 638, 690, 702, 519, 535, 464A, Torrey Pines Road Water/Sewer Project, Belt Street Trunk Sewer, North Encanto Water Improvements, and two "as-needed" contracts.
- B. Pump Stations #27, 42, 3, 10, 12, 15, 17, 20, 23, 61, 62, 25, 31, 32, 33, and 40.
- C. Scada Telemetry Control System contract.

ACTIONS
Committee on Natural Resources and Culture
May 30, 2001
- 2 -

D. General Requirements contract amendment.

(See Frank Belock, Jr.'s May 24, 2001, memo; Frequently Asked Questions About Group Jobs)

ACTION: Motion by Councilmember Peters, second by Councilmember Inzunza to move all projects forward for approval by the City Council.

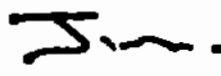
VOTE: 3-0; Madaffer-yea, Peters-yea, Wear-not present, Inzunza-yea, District 6-vacant

ITEM-3: Informational report from the City Manager on the MISSION BAY PARK BOUNDARY SURVEY.

(See CMR 01-105; Community Planners Committee's Resolution No. 03-2001; San Diego County Grand Jury Report)

ACTION: Motion by Councilmember Wear, second by Councilmember Inzunza to direct the City Manager to return to the Natural Resources and Culture Committee with a strategy and public process to implement the Mission Bay Park Master Plan as it relates to Fiesta Island and South shores, including Cudahy Creek and Tecolote Creek areas. This strategy/process should encompass the public, recreational, and habitat elements contained in the Master Plan and include any utility and infrastructure requirements necessary for the implementation of these improvements. An analysis of all funding that currently exists as well as additional funding required to achieve the implementation strategy should also be a part of this effort. The City Manager should also include copies of the results of periodic testing on the closed municipal landfill located at South Shore.

VOTE: 4-0; Madaffer-yea, Peters-yea, Wear-yea, Inzunza-yea, District 6-vacant


Jim Madaffer
Chair

ADMINISTRATION OF MENTAL HEALTH PROGRAMS IN SD COUNTY



County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA 92101-2472

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

MAY 25 2001

By: C. NEPOMUCENO, Deputy

May 23, 2001

The Honorable Wayne L. Peterson
Presiding Judge
San Diego Superior Court, Dept. 1
220 West Broadway
San Diego, CA 92101

2000-2001 INTERIM GRAND JURY REPORT – ADMINISTRATION OF MENTAL HEALTH PROGRAMS IN SAN DIEGO COUNTY

Dear Judge Peterson:

Attached, please find the Board of Supervisors' response to the 2000-2001 San Diego County Grand Jury Interim Report entitled "Administration of Mental Health Programs in San Diego" for your transmittal to the Grand Jury.

If you have any questions concerning this matter, please contact me at (619) 531-6226.

Best regards,

WALTER F. EKARD
Chief Administrative Officer

Attachment

FINDINGS

1. A holistic approach, which considers mental health on the same continuum with physical health, is the preferred policy by many health workers in the field.

Response:

Agree.

2. Funding priorities of mental health in San Diego County are only a reflection of the State's priorities according to the Little Hoover Commission report.

Response:

Agree. As stated in the *Little Hoover Commission* report's Executive Summary (page x), "Mental Health funding is inadequate to ensure that all Californians who need mental health services have access to care."

3. Mental Health in San Diego County is grossly under-funded compared to other counties.

Response:

Agree. The County of San Diego has made continuous efforts to attempt to ensure that San Diego receives a more equitable share of State funding for mental health services, and has been partially successful. Although the County of San Diego has achieved some additional funding, San Diego is still underfunded compared to other counties, and continues to pursue equity.

4. San Diego is the 2nd largest county in California yet is 52nd out of 58 counties in mental health funding.

Response:

Disagree in Part. Per the latest Census findings, San Diego is the third most populous county in California. According to the latest State data (FY 1998-99) San Diego ranked 42nd out of 58 counties in per capita realignment funding.

5. Many mentally ill patients and homeless are underserved in San Diego County.

Response:

Disagree in Part. The term "underserved" is not clearly defined. The County of San Diego agrees that with more equitable funding from the state, additional services could be provided and would be utilized by patients with a mental health diagnosis.

6. The county's legislators, in Sacramento, have been unable to achieve parity with other counties with respect to mental health funding.

Response:

Agree. San Diego's legislative delegation has been actively seeking funding equity for the County of San Diego. Some progress has been made through allocation of realignment growth dollars to San Diego and other under-equity counties, however, parity has not yet been achieved.

7. Highly qualified mental health workers are leaving the county for more rewarding opportunities.

Response:

Disagree in Part. There are no statistical or analytical data to confirm or deny this finding. However, recruitment and retention of mental health workers is a Statewide and national problem in both the public and private sector.

8. The Surgeon General has advocated that mental disease be treated as part of physical disease. This concept has not yet been adopted in San Diego County.

Response:

Disagree in Part. Although the Adult and Older Adult Mental Health Services System Redesign is not yet fully implemented, it does incorporate a recovery model that is consistent with treatment models for chronic physical illnesses. The Children's system will continue to track advances in medication treatment for children and adolescents as an integral part of its array of services.

9. The "wraparound" type of case management as in the Integrated Network Initiative for children is considered the ideal approach to the treatment of mental disease.

Response:

Agree.

10. The managed care model, as represented by UBH, is resented and criticized by many respondents.

Response:

Disagree in Part. The State has implemented a managed care model utilizing principles and practices consistent with better public sector health care, with an emphasis on deriving better outcomes with the use of resources. It is true that there is not unanimous support for managed care in either the mental health or physical health sectors.

11. There are no uniformly enforced standards of performance for the various suppliers of mental health services.

Response:

Disagree. The San Diego County Mental Health provider network is comprised of a number of different categories of providers. Some requirements apply to all providers and some requirements are specific to the category of provider or type of service delivered. All Medi-Cal providers in the County of San Diego's Mental Health Plan are required to adhere to stringent Title 9 requirements. Contracted providers are monitored to ensure compliance with process and outcome objectives and other contract requirements. A recent comprehensive Medi-Cal audit (April 2001) completed by the California Department of Mental Health found only a few minor areas that required correction. A recent Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) review of the San Diego County Psychiatric Hospital resulted in a full three-year accreditation and a notation of best practices for its medical records.

12. Medi-Cal participants bring additional State and Federal dollars to the county.

Response:

Agree.

13. There are cultural and language reasons as well as citizenship concerns for eligible persons not to sign up for Medi-Cal.

Response:

Disagree in Part. There are numerous reasons why people choose not to access public benefits such as Medi-Cal. Routine access to Medi-Cal, including forms necessary to complete the application process, is available in both English and Spanish and if needed, access can be easily supplied in many other languages spoken in San Diego County. Additionally, last year the federal government clarified the policy regarding Medi-Cal and public charge. The federal government clarified that Medi-Cal, received legitimately, does not incur public charge status. Since that clarification, the County of San Diego has publicly displayed posters providing information on the public charge issue and includes the same information in all applications for Medi-Cal. Finally, the County Board of Supervisors has approved a significant expenditure of funding for outreach efforts to ensure that those eligible for Medi-Cal are enrolled and receiving those services.

14. The application form is complex and the eligibility process is unduly prolonged.

Response:

Disagree in part. Several years ago the above statement may have been true. However, since then, the State reduced the size of the basic application form from sixteen (16) to six (6) pages. More recently, the State further reduced the form for pregnant women and children to four (4) pages. The number of items of verification that the applicants are required to obtain has also been substantially reduced so that for some Medi-Cal programs, only a pay stub to verify income and the four-page application form is required. By June of this year, the State is planning to implement a four-page, simplified mail-in application for all Medi-Cal applicants.

The State imposes a 45-day time limit for the determination of a Medi-Cal application. This time limit can be extended if the applicant is not able to provide needed verifications within the time limit. The majority of determinations are made well within the time limit. Applications for disability based Medi-Cal must be sent to the State for evaluation. These applications have a 90-day limit.

The County is committed to work with State and federal officials to further streamline application forms and the eligibility process wherever possible.

15. Many applications are denied without appeal.

Response:

Agree. This can be interpreted as a positive occurrence. If Medi-Cal applications are denied because the applicant does not meet eligibility requirements, then an appeal is not warranted. A high number of appeals could be interpreted as an indication that applications are being improperly denied.

16. New immigrants are not familiar with the existing appeals and advocacy processes.

Response:

Disagree in part. Although one can assume that new immigrants are unfamiliar with many benefits available to them, the County of San Diego does not have any data that indicates that the above statement is true. Furthermore, new immigrants often have the assistance of non-profit organizations such as Union of Pan Asian Communities (UPAC), which are well versed in the appeals process. The County is committed to looking at ways to address the needs of immigrants who may not be familiar with appeals and advocacy processes.

17. Many persons are unaware that they may be eligible for Medi-Cal.

Response:

Disagree in part. Many persons are aware of the Medi-Cal program and their potential eligibility. As noted in Number 13, some of these persons may choose not to apply. The County of San Diego has committed significant resources to a variety of Medi-Cal outreach efforts, including county wide, regional and school based programs, and a media awareness campaign. These efforts will continue in FY 2001-02 so that even more people become aware and are encouraged to apply.

18. There are no inpatient facilities in North County since the San Luis Rey hospital in Encinitas closed.

Response:

Disagree.

- Tri City Hospital, located in Oceanside, has a psychiatric unit with 29 adult beds
- Palomar Hospital, located in Escondido has a psychiatric unit with 26 adult beds
- Pomerado Hospital, located in Poway, has a psychiatric unit with 12 adult beds
- Aurora Behavioral Health is a freestanding psychiatric hospital in Rancho Bernardo with 48 adult beds and 32 child and adolescent beds.

19. There is not, at present, a uniform, up-to-date, and sophisticated Medical Information System in place, which all departments and subcontractors of the mental health systems can access.

Response:

Disagree in Part. The San Diego Mental Health plan is using the InSyst system that was implemented in January 1998. The same system is in use in 34 other California counties and is a proven client tracking and billing system available to all San Diego County-operated and contracted organizational providers 24 hours, 7-days a week. It allows users to look up clients, register clients and enter and track episodes of care and service information. Children's Mental Health Services also utilizes the new state-of-the-art care tracking system, Community Care System, as an integral part of the Children's Mental Health Services Initiative. In recognition that InSyst is an older software application the County of San Diego is seeking an enhanced system.

20. It is difficult to obtain grants if no meaningful statistics can be submitted.

Response:

Agree in Part. The use of meaningful statistics is an important aspect of grant writing. Mental Health Services has been successful in being awarded a number

of grants, including a six-year \$8 million Substance Abuse and Mental Health Services Administration (SAMHSA) grant in 1997, a \$500,000 AB3015 Children's System of Care grant in FY 2000-01, a \$450,000 State Supportive Housing Initiative Grant for youth transition in 2000, a \$10.1 million AB2034 homeless services grant in November 2000, and in May 2001 received the State's Notice of Intent to Award a second \$915,000 Supportive Housing Initiative Grant for North County. In addition, Mental Health is in receipt of \$ 2.4 million in other federal block grants this fiscal year.

21. The resources of the Department of Health (HHS) are so stretched that they do not have a person to research and apply for available grants.

Response:

Disagree. As noted above, the Health and Human Services Agency has successfully submitted and been awarded more than \$20 million in grant funds in the last four years. Resource development will be further enhanced with current plans for establishment of a Resource Development Unit within the Health and Human Services Agency, reporting to Health and Human Services Agency Director, Dr. Rodger Lum. In addition, Health and Human Services Agency Financial Services has an existing Revenue Development Unit to assist divisions with grant writing resources.

22. The fragmentation of the Department of Health (HHS) leads to increase in administrative overhead, duplication and turf battles.

Response:

Disagree. In 1997, the County of San Diego merged six departments to form the Health and Human Services Agency in order to achieve efficiencies in administrative overhead, and reduce duplication and fragmentation. The Health and Human Services Agency is currently refining the mix of centralized and program specific support services to achieve optimum efficiency. Adult and Children's Mental Health Services have consolidated many program specific support services to achieve optimum efficiency.

23. There are not enough caseworkers to handle the load of mentally ill persons.

Response:

Agree. With additional State funding, case management services could be enhanced. There are currently 83 case managers and 12 case management aides working in the adult and older adult mental health system serving approximately 3,000 clients. Adult and Older Adult Mental Health has added 33 case managers and six case aides since May 2000. Children's Mental Health Services continues to increase case management capacity through programs such as the Children's Mental Health Services Initiative (37 case managers) and

Early Periodic Screening, Diagnosis and Treatment (EPSDT) funded case management services.

24. Categorical funds would be better spent if the categories were waived and if they were all pooled.

Response:

Disagree in Part. While complete flexibility would appear to be beneficial, categorical funds serve a purpose to ensure that specific populations receive a fair share of services. This can be critical during periods of economic downturn when there are many competing claims for available funds.

25. There are not enough Medi-Cal eligibility workers.

Response:

Disagree in Part. With increased outreach efforts, the County of San Diego has experienced a need for additional Medi-Cal eligibility workers. As part of the Health and Human Services Agency's FY 2001-02 Operations Plan, 40 additional staff to provide Medi-Cal eligibility determinations are being added.

26. The mentally ill are sometimes put into penal institutions when there are no other facilities available for treatment. This is a great injustice to them.

Response:

Disagree. Individuals diagnosed with a mental illness are not put into penal institutions unless they have broken the law. The County recognizes that those in jail who are diagnosed with mental illness need community services and intensive case management to reduce recidivism. In recognizing the need to develop a more comprehensive program for the mentally ill who become incarcerated, the Sheriff obtained two five million dollar grants for the explicit purpose of attending to the needs of this population. Included in the program's framework is both in-custody and post release referral to appropriate community resources.

27. The Penal System employs a large group of psychiatrists at great expense to the county.

Response:

Disagree: For clarification, jail psychiatric services are under the purview of the Sheriff. In discussing this with the Sheriff's Department, they have indicated the San Diego jails have 100,000 admissions yearly. Of those, 17,000 have a psychiatric illness or a co-existing psychiatric and drug or alcohol illness (dually diagnosed). The average daily census of those inmates with a psychiatric or dual diagnosis illness is 700 and fewer than ten (10) psychiatrists treat them.

28. The mental health situation would be much worse without the assistance of many volunteers and private charitable organizations.

Response:

Agree. Volunteers and private charitable organizations are important components of the mental health system.

29. Vacancies in the positions of leadership in the Department of Health (HHS) and mental health lead to lack of consistent policies and loss of advocacy for improvement.

Response:

Disagree. While there has been a recent change in leadership in the Health and Human Services Agency Director and Adult Mental Health Deputy Director positions, the Children's Mental Health Director has been in place since September 1999. Through the transition in leadership, Adult Mental Health has continued to focus on its Board of Supervisors approved System Redesign Plan, which emphasizes integration and accessibility of regional core, services and implementation of the psychosocial rehabilitation service delivery model. The new director of the Health and Human Services Agency, Dr. Rodger Lum, comes to the County of San Diego with an extensive mental health background and practical experience. With the hiring of Mark Refowitz as Adult Mental Health Director, future policy development, advocacy and planning will be enhanced.

30. There is a stigma in the public mind concerning mental health.

Response:

Agree.

31. Mental health does not have a large enough constituency and advocacy role in the seats of power and in the area of policy formulation.

Response:

Disagree. Mental illness touches every citizen and their extended families, and therefore has a large and active constituency. Additionally, San Diego County has numerous active advocacy groups that include clients, family members and mental health professionals.

32. Since mental disease tends to run in families, schools are in a position to detect early aberrant behavior in children.

Response:

Agree. In the past two years there has been a major expansion of school-based programs focusing on earlier intervention recognizing the schools' key role in early detection. However, schools cannot be solely responsible to detect early aberrant behavior.

33. The early detection and treatment of mental disease is more cost effective than later intervention in more serious disease, which requires hospitalization or incarceration.

Response:

Agree.

34. School nurses are too overloaded with clerical work to be able to fully utilize their expertise.

Response:

This is not under the County of San Diego's jurisdiction.

35. Local school boards do not understand the importance of early detection and do not sufficiently fund counselors, nurses, and psychologists.

Response:

Disagree in Part. School boards have been very involved as stakeholders in developing the Children's System of Care and in incorporating early intervention. The County of San Diego is not in a position to comment on local school funding.

36. There is a resource of highly competent mental health professionals (psychiatrists) who could be consulted if the decision is made to institute a not for profit system for administering mental health.

Response:

Disagree in Part. There are many highly competent mental health professionals, including psychiatrists. The County of San Diego Mental Health system is primarily a not-for-profit system.

37. The mental health situation in San Diego County is critical but by no means in shambles.

Response:

Disagree in Part. Characterization of the situation as "critical" is not accurate. Significant improvements have been made in both the Adult and Older Adult and Children's Mental Health Systems in the past several years. In this, as in other systems, there are always opportunities for improvement, and the County of San Diego will continue to pursue those improvements.

RECOMMENDATIONS

That the San Diego County Board of Supervisors:

Recommendation 01-23:

Urge local representatives to the State legislature and lobbyists to aggressively apply for all available funds to bring San Diego County to parity with other counties to expand services and provide more flexible programs.

Response:

The recommendation has been implemented and will continue. In the 2001 Board of Supervisors adopted Legislative Program, the Board of Supervisors authorized intergovernmental staff and lobbyists to seek sponsors for bills and work directly with legislators to advance the implementation of Psychosocial Rehabilitation and establish best practices to serve minors who are dually diagnosed. The County of San Diego will continue to aggressively pursue equitable funding to meet local mental health needs in the 2001-02 Legislative Session.

Recommendation 01-24:

Consider bringing the administration of mental health back under the Department of Health and Human Services (HHS).

Response:

The recommendation has been partially implemented. The administration of mental health is under the Health and Human Services Agency. Mental Health was under the Department of Health Services and in 1997, when the Health and Human Services Agency was formed by combining the Departments of Health Services, Social Services, Area Agency on Aging, Veteran's Services, and the Commission on Children, Youth and Families, the administration of mental health became a direct report to the Health and Human Services Agency.

In addition, the County of San Diego has recently restructured clinical management and administrative functions for the Children's and Adult and Older Adult Mental Health Systems. The County of San Diego is strengthening its administrative oversight in the areas of quality management, contract monitoring and certain financial functions.

Clinical management, certain revenue and billing functions and management information systems (MIS) will be provided through competitive procurement. This restructuring provides for optimum use of private sector experience and expertise, with direct County of San Diego responsibility for oversight functions.

Recommendation 01-25:

Consider a contract with a not-for-profit corporation, which has demonstrated success in other parts of the country. The excellent connections of the Department of Psychiatry at UCSD could be utilized to find such an entity.

Response:

The recommendation has been implemented. In issuing Requests for Proposals in January 2001 for an administrative services contractor, the County of San Diego sought expertise from both not-for-profit and for-profit providers. Finalization of the contract award is pending. A representative from the UCSD Department of Psychiatry participated on a source selection committee to evaluate and make recommendations regarding selection of a contractor.

Recommendation 01-26:

Increase compensation of mental health providers to prevent drain of qualified people out of the county.

Response:

The recommendation has been implemented. Fee-for-service rates for individual Medical practitioners were increased in FY 1998-99 and for child psychologists in FY 1999-2000. The Board of Supervisors increased compensation of County of San Diego classified mental health employees by a total of 11.5 % over the last three fiscal years. A 3% cost of living increase was awarded to contract providers in FY 1999-2000, and most mental health contract providers have been notified that they will be receiving a 2% increase in their total contract amount for FY 2001-02. Six contracted crisis residential programs and one long-term care facility have been notified of increased compensation in FY 2001-02 specifically for retention of mental health staff. All eleven contracted inpatient hospitals were notified in November 2000 of an 8% increase in their daily reimbursement rate retroactive to September 2000.

Recommendation 01-27:

Give mental health a higher funding priority.

Response:

The recommendation has been implemented. Pursuit of equitable funding has remained a high priority for the Board of Supervisors. The Board of Supervisors was one of the first legislative bodies in the country to approve the use of 100% of its tobacco settlement revenue for health-based services, including \$2 million for Children's Mental Health in Fiscal Year 1999/00, and \$2 million each for Adult and Children's Mental Health Services for each of three successive years, for a total of \$14 million. The County of San Diego continues to apply for any funding increases through SAMHSA and Projects for Assistance in Transition from Homelessness (PATH) federal block grants. Realignment growth funds are effectively directed into services as they become available. Children's Mental Health staff, with the support of the Board of Supervisors, have aggressively sought out new funding. One result of this strategy has been a significant expansion of programs through EPSDT funds. As an example, there

was an increase in EPSDT funding between FY 1997-98 and FY 1998-99 of 44% and an additional 33% increase between FY 1998-99 and FY 1999-00. Under the leadership of Supervisors Greg Cox and Ron Roberts, the County of San Diego, along with the City and other community partners, was successful in securing more than \$10 million in AB2034 funds for services for the homeless mentally ill in downtown San Diego. Pursuit of equitable funding will continue to remain a high priority for the Board of Supervisors.

Recommendation 01-28:

Make more regional facilities available to mentally ill and homeless to alleviate the burden and cost to the penal system.

Response:

The recommendation is in the process of being implemented. Each Health and Human Services Agency region is developing regional mental health services to meet the needs of the region. The North County Region is in final negotiations to award a new contract for North County services. East region will be releasing their draft RFP for services in May 2001 followed by the Central and North Central Region in FY 2001-02, concluding with the South Region and Case Management in FY 2002-03. Additionally, there are new services in the Central Region available specifically for the homeless diagnosed with a mental illness funded by the County's AB2034 grant program.

Recommendation 01-29:

Provide better follow-up for those released from penal institutions to prevent recidivism.

Response:

The recommendation has been implemented. In August 2000, Assembly Bill 2034 funds were sought from the State Department of Mental Health for services to homeless mentally ill who may have a co-existing drug or alcohol problem as well as a history of incarcerations. In November 2000 the County of San Diego was notified they would receive the grant and services could begin immediately. Funding is slightly over \$10 million for three years.

Additionally, the Board of Supervisors, in concert with the Sheriff and in collaboration with Mental Health and many others developed an aggressive treatment and discharge program, Connections, to address the reduction of recidivism. Connections studies the delivery of intensive case management with regular case management for those felons discharged from jail. The Connections program collaborates and refers to the AB2034 funded program.

As well, the County of San Diego operates a Conditional Release Program for the State. San Diego's program, which has a primary goal of public safety, treats some of the County's most difficult clients. The San Diego program has had a very low reoffense rate for a number of years. When clients are released from the program, they are linked to local mental health services.

Recommendation 01-30:

Open an inpatient and outpatient facility in North County to provide easier access for mentally ill patients.

Response:

The recommendation has been implemented. Inpatient facilities are in place in North County, as noted in the response to Finding Number 18. The County of San Diego operates two clinics in North County. Additional North County outpatient services are included in the recently procured network of services as prescribed in the Adult and Older Adult System Redesign Plan. Children's Mental Health has expanded school-based programs in 18 school districts in the North County and provides services as part of the new North County Assessment Center for abused children.

Recommendation 01-31:

Increase the number of PERT and HOT teams.

Response:

The recommendation has been implemented. Psychiatric Emergency Response Teams (PERT) are a proven effective model. The Board of Supervisors has expanded PERT from two part time teams in 1996 to 22 teams today. Additionally, on April 18, 2001, an application was submitted to the State Department of Mental Health to increase the number of PERT teams and expand their shifts. If the application is successful, the number of persons served by PERT will increase from 4,000 to 7,000 per year. Notification of award is expected in late May 2001. Homeless Outreach Teams in the downtown area have increased their outreach activities under the AB2034 grant funded homeless program.

Recommendation 01-32:

Expand the SIP program.

Response:

The recommendation has been implemented. In collaboration with the City of San Diego and other governmental agencies, the County of San Diego is developing a finance strategy to expand the Serial Inebriate Program into the downtown area. The strategy includes seeking grants at the State and federal level and pursuing a legislative effort to seek resources for both facility expansion and operational support. The goal is to serve up to 200 inebriates in the downtown area. The target for securing funding is the end of this calendar year.

Recommendation 01-33:

Take a leadership role in sponsoring educational programs to alleviate the stigma of mental disease and to acquaint the public with the extent of the problem.

Response:

The recommendation has been implemented. The County of San Diego has sponsored educational programs to alleviate the stigma of mental disease and to acquaint the public with the extent of the problem. Educational outreach includes the publication and distribution of the Adult and Older Adult Mental Health Services "Provider Resource Manual," and "Client and Family Handbook," the Children's Mental Health Services "Provider Resource Manual" and "Client and Family Handbook." The County of San Diego also distributes the Mental Health Association's "Help Connection." Most recently the County of San Diego sponsored the National Alliance for Mental Health's Ocean Beach Mental Health Resource Fair, "Celebrating Healthy Minds and Bodies," to kick off Mental Health Month in May. Additionally, a consumer conference is scheduled for May 23, 2001. On June 8, 2001 an annual Mental Health Recognition Dinner, also sponsored by the County of San Diego, will be held. Children's Mental Health Services is developing an educational video on Latinas and depression. The County of San Diego provides various in-kind support to local chapters of the Alliance for the Mentally Ill and helped fund their Family to Family Education Program. Additionally, Adult and Older Adult Mental Health Services has allocated funding for an educational campaign for older adults in 2000-01 and 2001-02. The County of San Diego will continue to sponsor educational programs to alleviate the stigma of mental disease.

Recommendation 01-34:

Encourage the San Diego Medical Society to initiate a campaign to publicize the extent of the mental disease problem, the importance of early recognition and the possibility of successful treatment.

Response:

This recommendation is in the process of being implemented. The Directors of both Children's Mental Health and Adult and Older Adult Mental Health will, in writing, by August 2001, encourage the San Diego Medical Society to initiate a campaign to publicize the extent of the mental disease problem, the importance of early recognition and the possibility of successful treatment. In addition, County of San Diego mental health administrators are looking forward to working with the San Diego Medical Society to discuss collaborative efforts toward this goal.

Recommendation 01-35:

Enlist the expertise of local physicians to help formulate policy decisions to solve the problems of the mentally ill in the county under a managed care model which is fair both to the provider and the recipient of care.

Response:

The recommendation has been implemented. Physicians as well as all other professionals, including consumers, were enlisted to help formulate policy decisions

under a managed care model from the beginning of managed care in San Diego County. This effort included widespread stakeholder involvement beginning in 1994. There continues to be a Managed Care Advisory Group, which is advisory to the County of San Diego's Mental Health Directors. The chair of that committee represents the fee-for-service private providers' network including psychiatrists. Mental Health Services also includes the San Diego County Medical Society and the San Diego Psychiatric Society among its stakeholders.

Additionally, the Board of Supervisors has authorized Adult Mental Health to hire a Medical Director, a psychiatrist who will be charged with engaging psychiatrists to make recommendations regarding policy. When a psychiatrist is hired as the Adult and Older Adult Mental Health Medical Director, one of their areas of activity will be working with the local medical community.

The Children's Mental Health programs have also engaged in a comprehensive planning process, which included stakeholders from all disciplines, including psychiatrists. Additionally, in FY 2000-01, Children's Mental Health hired a psychiatrist, Dr. Jeffrey Rowe, as Clinical Director.

The County of San Diego will continue to enlist the assistance of local physicians.

Recommendation 01-36:

Make use of the expertise of the local psychiatric community, including staff at UCSD, in formulating policies and finding qualified and dedicated personnel.

Response:

The recommendation has been implemented. During the past eight months, the Adult and Older Adult Mental Health Director has sought the advice of the psychiatric community in finding a qualified and dedicated Medical Director. This included seeking recruitment advice from the San Diego Psychiatric Society of the San Diego Medical Society, from Lewis Judd, M.D., Chairman of the Department of Psychiatry, UCSD School of Medicine, and various psychiatrists from within the County of San Diego's Mental Health system. Recruitment for the Medical Director position will begin by August 2001. There are also three psychiatrists on the Mental Health Board and a Physicians Committee active in the Clinical Services Association. In addition, Children's Mental Health Services hired Saul Levine, M.D., Director of Division of Child and Adolescent Psychiatry at UCSD, as a consultant for designing the Children's Mental Health model. The Children's Mental Health Clinical Director, Dr. Jeffrey Rowe, is a psychiatrist. We will continue to work toward closer collaboration with UCSD.

That the San Diego County Department of Health and Human Services:

Recommendation 01-37:

Employ a grant writer. This position could be a consultant with no benefits. Seed money to be obtained from a foundation. After 2 years the position could be funded from the additional monies received.

Response:

The recommendation has been implemented. The Health and Human Services Agency, Financial Services' Revenue Development Unit has developed and utilizes a list of grant writers to prepare proposals for submission to various funding agencies and organizations. Additionally, the Health and Human Services Agency Director, Dr. Rodger Lum, is currently developing plans for a Resource Development Unit within the Health and Human Services Agency.

Recommendation 01-38:

Obtain waivers for the spending of categorical funds and place them into a pool, which does not discriminate between physical health, mental health, substance abuse, homelessness, and social services.

Response:

The recommendation has been implemented. There are pros and cons to block grant versus categorical funding. Whenever possible and appropriate, the Health and Human Services Agency pursues funding flexibility and strategizes to provide maximum use of available funding.

Recommendation 01-39:

Assure the various departments that under pooling they would receive no less funding than before, and that by effecting economies of scale in office overhead, they would probably receive an increase in their portion of the pool.

Response:

The recommendation has been implemented. As noted above, there are pros and cons to pooling funds. The Health and Human Services Agency will take advantage of flexibilities available in these areas as appropriate. It should be noted that the formation and reorganization of the Health and Human Services Agency has provided the Health and Human Services Agency with some economies of scale and decreases in overhead.

Recommendation 01-40:

Encourage a team approach to the case management of all mentally ill patients and encourage the help of family and community resources.

Response:

The recommendation has been implemented. The values and philosophy of the mental health system are based on a team approach to care. For example, the Children's Mental Health Services Initiative, the Wraparound Academy, family inclusion, and use of community-based resources incorporate a team approach to client care. Adult Mental Health incorporates integrated teams in its case management programs and multidisciplinary clinic team model.

Recommendation 01-41:

Set performance standards for suppliers of mental health services and enforce them, regardless of political considerations.

Response:

The recommendation has been implemented. Adult mental health organizational provider contracts, purchase orders and hospital contracts are monitored monthly by the Health and Human Services Agency Mental Health contract monitors and annually by the Health and Human Services Agency Contracts Office. All have performance standards in their contracts. In addition, the Health and Human Services Agency's Quality Management program is strengthening performance standards for providers.

Recommendation 01-42:

Employ more caseworkers.

Response:

The recommendation has been implemented. Thirty-three (33) case managers and six (6) case aides were added to the Adult and Older Adult Mental Health System since May 2000. The Children's Mental Health Services Initiative will add an additional 37 family service coordinators who will provide case management services. Also, under EPSDT, Children's Mental Health Services added eight case managers in FY 2000-01. The County of San Diego will continue to look at caseload issues and explore other funding options to increase case managers in the mental health system.

Recommendation 01-43:

Employ more Medi-Cal eligibility workers.

Response:

This recommendation has been implemented. The Health and Human Services Agency's FY 2001-02 Operations Plan includes the addition of forty (40) staff for Medi-Cal eligibility determinations.

Recommendation 01-44:

Improve enrollment of eligible new immigrants and ethnic minorities into Medi-Cal, SSI, and other available programs.

Response:

This recommendation is in the process of being implemented. Supplemental Security Income (SSI) and its associated Medi-Cal benefit is a federal program administered by the federal government. The County of San Diego has begun efforts to increase Medi-Cal enrollment in the eligible population in general, and also to target the non-English speaking population.

Using State grant money, the County of San Diego has implemented two programs. The first program is called the Help Team. This is a unit of nine (9) eligibility workers whose sole purpose is to conduct intensive in-reach activities. This unit targets a specific group of Medi-Cal recipients (former CalWORKs recipients) who are at risk of losing their benefits by failing to supply information needed to continue their benefits. Multiple contacts are made to beneficiaries to obtain needed information. Additionally, they offer assistance in completing the application process.

The other program implemented by the County of San Diego is called "Help With Health." This program started by providing training to eligibility workers to raise awareness of the County of San Diego's goal to increase Medi-Cal enrollment in the eligible population. The program also consists of a media campaign that targets the English, Vietnamese and Spanish speaking populations. The campaign consists of prominently displayed posters, radio and newspaper public service announcements. This campaign began in April 2001 and will last several months.

The Health and Human Services Agency has also set performance targets to reduce the number of Medi-Cal cases denied/discontinued for failure to provide eligibility information. In FY 2001-02, performance measures will include enrollment targets. While not targeting specific populations, programs that increase overall enrollment will include diverse populations.

Recommendation 01-45:

Increase educational efforts to acquaint new immigrants, persons with physical and mental disability and CalWORKS recipients with programs and services for which they may be eligible.

Response:

This recommendation has been implemented. Persons discontinued from CalWORKs are given a "Life after CalWORKs" booklet that explains benefits available to them, including programs such as child and health care assistance. The six (6) regions within the Health and Human Services Agency have implemented outreach efforts to ensure that those who need services know they are available. The Information, Assessment and Referral (IAR) system is in place at each Family Resource Center (FRC) and public health centers. Persons who visit a FRC or public health center, including those who

identify themselves as having a disability or as a new immigrant, are offered IAR to help them access a wide range of services for which they identify a need. Also, see the Awareness campaign described under 01-44 for other efforts.

Recommendation 01-46:

Disseminate information on the availability of the appeals process and of advocacy programs.

Response:

This recommendation has been implemented. Currently, appeals information is provided to all applicants at the time of application and on all Notices of Action sent to applicants /beneficiaries. Also, the County of San Diego has an agreement with the Consumer Center for Health Education and Advocacy (CCEA) to handle appeals and grievances both in physical and mental health. The number for the center is provided to applicants during orientation and at all Family Resource Centers. The number for Legal Aid is included on the back of all Notices of Action.

Recommendation 01-47:

Increase efficiency by merging departments and eliminating administrative costs and duplication after consultation with health care workers.

Response:

The recommendation has been implemented. In 1997, six departments were merged: Department of Social Services; Department of Health Services, which included Mental Health Services; Veteran's Services; Commission on Children, Youth and Families; Public Guardian/ Public Administrator; and the former Area Agency on Aging (Aging & Independence Services), to increase efficiency, eliminate administrative costs and duplication. There is now one Health and Human Services Agency.

Recommendation 01-48:

Encourage inter-departmental team case management by closer cooperation between individuals or teams of case managers. This paradigm is referred to as integrated or wraparound management.

Response:

The recommendation has been implemented. Since 1998, Children's Mental Health Services has emphasized a wraparound approach to the delivery of mental health services. A Wraparound Academy was established in 1999, and continues to the present day. Adult case management, intensive case management and Assertive Community Treatment all incorporate an integrated team model.



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools
Rudy M. Castruita, Ed.D.

RECEIVED

APR 27 2001

SAN DIEGO
COUNTY GRAND JURY

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

APR 25 2001

April 23, 2001

By: C. NEPOMUCENO, Deputy

The Honorable Judge Wayne L. Peterson
Presiding Judge of the Superior Court
220 West Broadway
San Diego CA 92101

Dear Judge Peterson:

This letter is written in response to the San Diego County Grand Jury 2000-2001 report entitled "Administration of Mental Health Programs in San Diego County." This Grand Jury report is very thorough, provides a great deal of valuable information, and makes a strong argument that there is room for improvement in the entire area of mental health programs in San Diego County.

As provided in Recommendations 01-49, 01-50, and 01-51, I have forwarded a copy of the report to the forty-two school districts in San Diego County and indicated my support of early detection and treatment of mental disease at the school level. While funding of school district programs is a local decision made by local school boards, I strongly believe the involvement of school boards, administrators, teachers, counselors, nurses, and psychologists is critical if early detection and treatment of mental disease are to be achieved.

Sincerely,

Rudy M. Castruita, Ed.D.
County Superintendent of Schools

RMC:BB

cc: San Diego County Board of Supervisors

Board of Education

Nick Aguilar Ernest J. Dronenburg, Jr. Susen Fay Jim Kelly John Witt

SERVICE AND LEADERSHIP

CONFLICT OF INTEREST IN SAN DIEGO CITY



THE CITY OF SAN DIEGO

June 28, 2001

Honorable Wayne L. Peterson
Presiding Judge, San Diego County Superior Court
220 W. Broadway, Department SD-P
San Diego, CA 92101

RECEIVED
JUN 29 2001
SAN DIEGO
COUNTY GRAND JURY

Reference: Response to San Diego County Grand Jury Report -
Statement of Economic Interest Form

In compliance with the California Penal Code §933.05, the City of San Diego has reviewed the April 3, 2001 report from the San Diego County Grand Jury entitled "Conflict of Interest in San Diego City." Responses to all findings and recommendations contained in the report have been enclosed. The City appreciates the efforts put forth by the Grand Jury in researching and commenting on this issue. All recommendations have already been or will be implemented by the City staff.

Sincerely,

Michael T. Uberuaga
City Manager

MTU/DLM/jmj-n-d

Enclosure

A:\L-WAYNE PETERSON.wpd



**City of San Diego Response to Grand Jury Report
Conflict of Interest in San Diego City**

In accordance with Penal Code Section §933.05, the City of San Diego has provided the following responses to the above entitled Grand Jury Report.

FINDINGS:

- 1. The tenant representative for the City filed an inadequate Statement of Economic Interest, FPPC Form 700.**

The Respondent agrees with this finding. The tenant representative (Irving Hughes) has been sent a Statement of Economic Interest amendment. A copy of the completed Statement of Economic Interest will be provided to the Grand Jury upon receipt by the City.

- 2. The tenant representative benefitted economically when the City leased space in building where the tenant representative was designated as the exclusive leasing agent for three buildings in the Civic Center Master Plan.**

The Respondent agrees partially with this finding. The City agrees that Irving Hughes benefitted financially due to the payment of a commission by the building owner. However, the Grand Jury misstated the facts (Fact H) with respect to who Irving Hughes represents. Irving Hughes represents only the City in these transactions. Each of the three building owners have their own leasing agent representing their interests.

- 3. The City of San Diego did in fact have a contract with the tenant representative when the Complainant was told in a written response that no contract existed between the City and the tenant representative.**

The Respondent disagrees partially with this finding. The Complainant made the following request: "I wish to see the contract between the City and Irving Hughes/Craig Irving for real estate brokerage services". In response, City staff provided the complainant a copy of the brokerage contract between the City and Irving Hughes which expired on April 30, 1988. The Complainant was also informed that the City no longer had an agreement with Irving Hughes for broker services. The City did have a separate unrelated contract with Irving Hughes for space planning services. This was not provided as it was not the subject of the specific request made by the complainant.

- 4. READ is inconsistent and/or has no procedures for the completion of a SEI.**

The Respondent agrees partially with this finding. Although, READ has substantially better procedures than the vast majority of public agencies dealing with SEI filings, these procedures can be improved per Recommendation 01-18 of this report.

5. READ's response to citizen inquiries was inadequate.

The Respondent disagrees partially with this finding. The letter and agreements sent to the Complainant were exactly what the Complainant requested. The letter could have explained that in addition to the broker contract that had expired there was a separate unrelated contract for a completely different purpose, i.e. space planning services. Since the Complainant specifically requested a particular document, that is what was provided.

RECOMMENDATIONS.

- 01-18 That the Real Estate Assets Department require Statements of Economic Interest, FPPC, Form 700 from all tenant representatives clearly stating the economic interest they derive from private and public sources when a transaction occurs.**

This recommendation will be implemented. The City will require all tenant representatives to clearly state any Economic Interests derived from private and public sources on transactions incurred during any calendar year. The City will also provide a specific definition of "economic interest" as the definition provided under the Code is vague and provides little guidance.

- 01-19 The Real Estate Assets Department should retroactively require full disclosure from all tenant representatives that have a continuing financial interest in any contracts which the City has with third parties; e.g. Civic Center Plaza Building, Executive Complex Building, and the Comerica Building.**

This recommendation has been implemented. The City has instructed all tenant representatives including Irving Hughes to file a Statement of Economic Interest amendment to satisfy the requirements for calendar year 2000.

- 01-20 The Real Estate Assets Department employ different parties when securing leases on space where their broker is the exclusive leasing agent for the building. This is to avoid the appearance of a conflict of interest. The READ representative claimed they were now doing the above.**

This recommendation has been implemented. The City's Real Estate Assets Department has been utilizing a broker rotation list for the past two years to provide equal opportunities to interested brokerage companies. The list is updated annually through a Letter of Interest process. However, the City has not in the past and will not in the future utilize a broker to represent the City who is also representing a building owner in a transaction with that building owner.

- 01-21 That the Real Estate Assets Department provides additional training to their employees in ethics and truthful replies to inquiries from the public.**

This recommendation will be implemented. The City will be providing further training to Real Estate Assets Department staff regarding public inquiries.

- 01-22 That the FPPC, Forms 700 Statement of Economic Interest, be more thoroughly reviewed and monitored to make sure they are accurate.**

This recommendation will be implemented. Staff will be monitoring the Statement of Economic Interest forms in detail to ensure accuracy and compliance.



THE CITY OF SAN DIEGO

June 6, 2001

Mr. Craig A. Irving, Principal
Irving Hughes
501 West Broadway, Suite 2020
San Diego, CA 92101

Subject: Statement of Economic Interest Form 700 - Grand Jury Investigation

Dear Craig:

As you may know, the San Diego County Grand Jury has been investigating services provided by your company for lease transactions involving the City of San Diego. It has been determined that Irving Hughes should have completed the Statement of Economic Interest Form 700 for calendar year 2000 and disclosed any earnings related to lease deals associated with the City of San Diego. Any commissions received from the landlords at 600 B Street, Executive Complex and the Civic Center Plaza Building for lease transactions involving the City should be disclosed. You are also required to disclose any payments received from the City associated with a consultant agreement. An Amendment of the Statement of Economic Interest Form is enclosed. Please ensure that your office completes this Form by Friday, June 22, 2001. The Form should be delivered to my office.

We appreciate your cooperation in completing this Form and apologize for any inconvenience.

Sincerely,

Diana Monaco, RPA
Property Agent for the Office Space Program

cc: William T. Griffith, Real Estate Assets Director
Tim C. Rothans, Deputy Director, Real Estate Assets Department
Lucille M. Goodman, Asset Management Supervisor

H:\WPWDATA\SEIformtoIrvingHughes.ltr.wpd



Real Estate Assets

1200 Third Avenue, Suite 1700, MS 51A • San Diego, CA 92101-4199
Tel (619) 236-6020 Fax (619) 236-6706



Date Received
Official Use Only

STATEMENT OF ECONOMIC INTERESTS
A Public Document

Please type or print in ink

NAME (LAST) (FIRST) (MIDDLE) DAYTIME TELEPHONE NUMBER
Irving Hughes (619) 238-4393

MAILING ADDRESS (May be business address) STREET CITY ZIP CODE OPTIONAL: FAX / E-MAIL ADDRESS
550 West C Street, Suite 2000, San Diego, CA 92101

COVER PAGE

1. Name of Office Sought or Held, Agency or Court (Provide precise name. Do not use acronyms.)

Division, Board, District, if applicable:

Position:

⇒ If Expanded Statement – List agency/position:
(Attach a separate sheet if necessary. Do not use acronyms.
File originally signed statement with each filing official.)

Agency: _____

Position Title: _____

2. Office Jurisdiction (Check one)

- ☐ State
☐ County of _____
☐ City of _____
☐ Multi-County _____
☐ Other _____

3. Type of Statement (Check at least one box)

- ☐ Assuming Office/Initial Date: ____/____/____
☒ Annual (Check one)
☒ The period covered is January 1, 2000, through December 31, 2000.
☐ The period covered is ____/____/____, through December 31, 2000.
☐ Leaving Office Date Left: ____/____/____ (Check one)
☐ The period covered is January 1, 2000, through the date of leaving office.
☐ The period covered is ____/____/____, through the date of leaving office.
☐ Candidate

4. Schedule Summary

(Check applicable schedules or "No reportable interests.")

⇒ During the reporting period, did you have any reportable interests to disclose on:

Schedule A-1 ☐ Yes – schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 ☐ Yes – schedule attached
Investments (Greater than 10% Ownership)

Schedule B ☐ Yes – schedule attached
Real Property

Schedule C ☒ Yes – schedule attached
Income & Business Positions (Income Other than Loans, Gifts, and Travel)

Schedule D ☐ Yes – schedule attached
Income – Loans

Schedule E ☐ Yes – schedule attached
Income – Gifts

Schedule F ☐ Yes – schedule attached
Income – Travel Payments

⇒ ☐ No reportable interests on any schedule

Total number of pages (including this cover page): 9

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON 6-21-01 (month, day, year)

SIGNATURE [Signature]
(File the originally signed statement with your filing official.)

Not Applicable

Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

CALIFORNIA
2000/2001 FORM 700

FPPC POLITICAL PRACTICES COMM.

AMENDMENT

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

- ☐ Stock
☐ Other _____
 (Describe)

IF APPLICABLE, LIST DATE:

____/____/00 ____/____/00
 ACQUIRED DISPOSED

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

- ☐ Stock
☐ Other _____
 (Describe)

IF APPLICABLE, LIST DATE:

____/____/00 ____/____/00
 ACQUIRED DISPOSED

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

- ☐ Stock
☐ Other _____
 (Describe)

IF APPLICABLE, LIST DATE:

____/____/00 ____/____/00
 ACQUIRED DISPOSED

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

- ☐ Stock
☐ Other _____
 (Describe)

IF APPLICABLE, LIST DATE:

____/____/00 ____/____/00
 ACQUIRED DISPOSED

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

- ☐ Stock
☐ Other _____
 (Describe)

IF APPLICABLE, LIST DATE:

____/____/00 ____/____/00
 ACQUIRED DISPOSED

Verification

PRINT NAME _____

CITY, COUNTY, COURT
OR AGENCY _____

STATEMENT TYPE ☐ 2000/2001 Annual ☐ Assuming ☐ Leaving
☐ _____ Annual ☐ Candidate
 (yr)

I have used all reasonable diligence in preparing this statement.
 I have reviewed this statement and to the best of my knowledge
 the information contained herein and in any attached schedules
 is true and complete. I certify under penalty of perjury under the
 laws of the State of California that the foregoing is true and correct.

Executed on _____
 (month, day, year)

SIGNATURE _____

Not Applicable

Investments, Income, and Assets
of
Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA
2000/2001 FORM 700
FAIR POLITICAL PRACTICES COMMISSION
AMENDMENT

1. BUSINESS ENTITY OR TRUST

Name _____

Address _____

Check one ☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2**GENERAL DESCRIPTION OF BUSINESS ACTIVITY**

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000☐ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☐ Over \$1,000,000_____/_____/00
ACQUIRED_____/_____/00
DISPOSED

NATURE OF INVESTMENT

☐ Sole Proprietorship☐ Partnership☐ Other _____

YOUR BUSINESS POSITION _____

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)☐ \$0 - \$499☐ \$500 - \$1,000☐ \$1,001 - \$10,000☐ \$10,001 - \$100,000☐ OVER \$100,000**3. LIST EACH REPORTABLE SOURCE OF INCOME/LOANS OF \$10,000 OR MORE (attach a separate sheet if necessary)****4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST**

Check one box:

☐ INVESTMENT☐ REAL PROPERTY

Name of Business Entity or _____

Street Address or Assessor's Parcel Number of Real Property _____

Description of Business Activity or _____

City or Other Precise Location of Real Property _____

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000☐ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☐ Over \$1,000,000_____/_____/00
ACQUIRED_____/_____/00
DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust☐ Stock☐ Partnership☐ Leasehold _____

Yrs. remaining _____

☐ Other _____**5 (cont.)**

Check one box:

☐ INVESTMENT☐ REAL PROPERTY

Name of Business Entity or _____

Street Address or Assessor's Parcel Number of Real Property _____

Description of Business Activity or _____

City or Other Precise Location of Real Property _____

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000☐ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☐ Over \$1,000,000_____/_____/00
ACQUIRED_____/_____/00
DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust☐ Stock☐ Partnership☐ Leasehold _____

Yrs. remaining _____

☐ Other _____

Comments: _____

Verification

PRINT NAME _____

CITY, COUNTY, COURT

OR AGENCY _____

STATEMENT TYPE ☐ 2000/2001 Annual☐ Assuming☐ Leaving☐ (yr) Annual☐ Candidate

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____

(month, day, year)

SIGNATURE _____

Income & Business Positions

(Income Other than Loans, Gifts, and
Travel Payments)CALIFORNIA
2000/2001 FORM 700
FAIR POLITICAL PRACTICES COMM.

AMENDMENT

NAME OF SOURCE

CIB Richard Ellis

ADDRESS

4365 Executive Dr. St. 900

BUSINESS ACTIVITY, IF ANY, OF SOURCE

San Diego, CA 92121

YOUR BUSINESS POSITION

Commercial Real Estate Broker

GROSS INCOME RECEIVED

☐ \$500 - \$1,000 ☒ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's Income ☐ Loan repayment

☐ Sale of _____
 (Property, car, boat, etc.)

☒ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
 (Describe)

NAME OF SOURCE

City of San Diego

ADDRESS

1245 Caminito Centro, MS20

BUSINESS ACTIVITY, IF ANY, OF SOURCE

San Diego, CA 92101

YOUR BUSINESS POSITION

Consultant

GROSS INCOME RECEIVED

☐ \$500 - \$1,000 ☒ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's Income ☐ Loan repayment

☐ Sale of _____
 (Property, car, boat, etc.)

☒ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
 (Describe)

NAME OF SOURCE

City of San Diego

ADDRESS

1200 Third Ave. St. 1700

BUSINESS ACTIVITY, IF ANY, OF SOURCE

San Diego, CA 92101

YOUR BUSINESS POSITION

Consultant

GROSS INCOME RECEIVED

☐ \$500 - \$1,000 ☒ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's Income ☐ Loan repayment

☐ Sale of _____
 (Property, car, boat, etc.)

☒ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
 (Describe)

Verification

PRINT NAME Irving Hughes

CITY, COUNTY, COURT
OR AGENCY
 STATEMENT TYPE ☒ 2000/2001 Annual ☐ Assuming ☐ Leaving
☐ (b) Annual ☐ Candidate

 I have used all reasonable diligence in preparing this statement.
 I have reviewed this statement and to the best of my knowledge
 the information contained herein and in any attached schedules
 is true and complete. I certify under penalty of perjury under the
 laws of the State of California that the foregoing is true and correct.

 Executed on 6-21-01
 (month/day/year)

SIGNATURE

Comments:

Income & Business Positions

(Income Other than Loans, Gifts, and
Travel Payments)

NAME OF SOURCE Rock Asset Management
 ADDRESS 9777 Wilshire Blvd, St. 710
Beverly Hills, CA 90212
 BUSINESS ACTIVITY, IF ANY, OF SOURCE
 YOUR BUSINESS POSITION Commercial Real Estate Broker
 GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☒ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000
 CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
 (Property, car, boat, etc.)
☒ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
 (Describe)

NAME OF SOURCE Executive One Associates
 ADDRESS 919 North Michigan Ave, #1500
Chicago, IL 60611
 BUSINESS ACTIVITY, IF ANY, OF SOURCE
 YOUR BUSINESS POSITION Commercial Real Estate Broker
 GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☒ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000
 CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
 (Property, car, boat, etc.)
☒ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
 (Describe)

NAME OF SOURCE Essey Realty Management
 ADDRESS 6153 Fairmont Ave, Suite 208
San Diego, CA 92120
 BUSINESS ACTIVITY, IF ANY, OF SOURCE
 YOUR BUSINESS POSITION Commercial Real Estate Broker
 GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☒ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000
 CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
 (Property, car, boat, etc.)
☒ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
 (Describe)

Verification
 PRINT NAME Irving Hughes
 CITY, COUNTY, COURT
 OR AGENCY _____
 STATEMENT TYPE ☒ 2000/2001 Annual ☐ Assuming ☐ Leaving
☐ _____ Annual ☐ Candidate
 (If)
 I have used all reasonable diligence in preparing this statement.
 I have reviewed this statement and to the best of my knowledge
 the information contained herein and in any attached schedules
 is true and complete. I certify under penalty of perjury under the
 laws of the State of California that the foregoing is true and correct.
 Executed on 10-21-01
 (month, day, year)
 SIGNATURE [Signature]

Comments: _____

Not Applicable

Income – Loans

(Received or Outstanding)

AMENDMENT

NAME OF LENDER _____

ADDRESS _____

BUSINESS ACTIVITY OF LENDER

☐ Financial Institution

☐ Other _____

INTEREST RATE _____ TERM (Months/Years) _____

_____ % ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000 ☐ OVER \$100,000

SECURITY FOR LOAN

☐ None ☐ Automobile ☐ Personal residence

☐ Real Property _____

_____ Street address

_____ City

☐ Guarantor _____

☐ Other _____

(Describe)

NAME OF LENDER _____

ADDRESS _____

BUSINESS ACTIVITY OF LENDER

☐ Financial Institution

☐ Other _____

INTEREST RATE _____ TERM (Months/Years) _____

_____% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000 ☐ OVER \$100,000

SECURITY FOR LOAN

☐ None ☐ Automobile ☐ Personal residence

☐ Real Property _____

Street address

City

☐ Guarantor _____

☐ Other _____

(Continue)

NAME OF LENDER _____

ADDRESS _____

BUSINESS ACTIVITY OF LENDER

☐ Financial Institution

☐ Other _____

INTEREST RATE _____ TERM (Months/Years) _____

_____ % ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000 ☐ OVER \$100,000

SECURITY FOR LOAN

☐ None ☐ Automobile ☐ Personal residence

☐ Real Property _____

_____ Street address

_____ City

☐ Guarantor _____

☐ Other _____

(Describe)

Verification

PRINT NAME _____

CITY, COUNTY, COURT
OR AGENCY _____

STATEMENT TYPE ☐ 2000/2001 Annual ☐ Assuming ☐ Leaving
☐ _____ Annual ☐ Candidate
(yr)

I have used all reasonable diligence in preparing this statement.
I have reviewed this statement and to the best of my knowledge
the information contained herein and in any attached schedules
is true and complete. I certify under penalty of perjury under the
laws of the State of California that the foregoing is true and correct.

Executed on _____
(month, day, year)

SIGNATURE _____

Comments:

Not Applicable

Income - Gifts

CALIFORNIA
2000/2001 FORM 700
FAIR POLITICAL PRACTICES COMM.

AMENDMENT

NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DESCRIPTION OF GIFT(S) | VALUE | DATE |
|------------------------|----------|----------------|
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |

NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DESCRIPTION OF GIFT(S) | VALUE | DATE |
|------------------------|----------|----------------|
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |

NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DESCRIPTION OF GIFT(S) | VALUE | DATE |
|------------------------|----------|----------------|
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |

Comments: _____

NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DESCRIPTION OF GIFT(S) | VALUE | DATE |
|------------------------|----------|----------------|
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |

NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DESCRIPTION OF GIFT(S) | VALUE | DATE |
|------------------------|----------|----------------|
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |
| _____ | \$ _____ | ____/____/____ |

Verification

PRINT NAME _____

CITY, COUNTY, COURT
OR AGENCY _____STATEMENT TYPE ☐ 2000/2001 Annual ☐ Assuming ☐ Leaving
☐ _____ Annual ☐ Candidate
(yr)

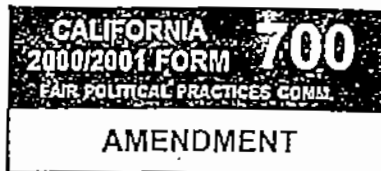
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____
(month, day, year)

SIGNATURE _____

Not Applicable

Income - Gifts

Travel Payments, Advances, and
Reimbursements

NAME OF SOURCE _____

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

TYPE OF PAYMENT: (check one)
☐ Gift ☐ Income

AMT: \$ _____ DATE(S): ____/____/____
(if applicable)

DESCRIPTION: _____

NAME OF SOURCE _____

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

TYPE OF PAYMENT: (check one)
☐ Gift ☐ Income

AMT: \$ _____ DATE(S): ____/____/____
(if applicable)

DESCRIPTION: _____

NAME OF SOURCE _____

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

TYPE OF PAYMENT: (check one)
☐ Gift ☐ Income

AMT: \$ _____ DATE(S): ____/____/____
(if applicable)

DESCRIPTION: _____

NAME OF SOURCE _____

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

TYPE OF PAYMENT: (check one)
☐ Gift ☐ Income

AMT: \$ _____ DATE(S): ____/____/____
(if applicable)

DESCRIPTION: _____

NAME OF SOURCE _____

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

TYPE OF PAYMENT: (check one)
☐ Gift ☐ Income

AMT: \$ _____ DATE(S): ____/____/____
(if applicable)

DESCRIPTION: _____

Verification

PRINT NAME _____

CITY, COUNTY, COURT
OR AGENCY _____

STATEMENT TYPE ☐ 2000/2001 Annual ☐ Assuming ☐ Leaving
☐ _____ Annual ☐ Candidate
(or)

I have used all reasonable diligence in preparing this statement.
 I have reviewed this statement and to the best of my knowledge
 the information contained herein and in any attached schedules
 is true and complete. I certify under penalty of perjury under the
 laws of the State of California that the foregoing is true and correct.

Executed on _____
(month, day, year)

SIGNATURE _____

Comments: _____

MISHANDLING OF THE SAN DIEGO LOW FLUSH TOILET REBATE PROGRAM



THE CITY OF SAN DIEGO

June 12, 2001

RECEIVED

JUN 12 2001

Honorable Wayne L. Peterson
Presiding Judge, San Diego County Superior Court
Hall of Justice
P O Box 2724
San Diego, CA 92112-2720

SAN DIEGO
COUNTY GRAND JURY

Dear Judge Peterson:

Subject: Response to Grand Jury Report

Enclosed is the City of San Diego's response to the report of the 2000-2001 San Diego County Grand Jury, which was developed by staff, after an intensive review of the Grand Jury's recommendations. This response is to the report entitled "Mishandling of the San Diego Low Flush Toilet Rebate Program."

In addition, enclosed is the Audit Report requested by the San Diego County Grand Jury and completed by the Audit Division of the Office of the City Auditor and Comptroller.

Sincerely,

Michael T. Uberuaga
City Manager

CDR/cdr

Enclosures

cc: Honorable Mayor and City Councilmembers
George I. Loveland, Senior Deputy City Manager
Casey Gwinn, City Attorney
Ed Ryan, City Auditor and Comptroller
Larry Gardner, Water Department Director
Alex Ruiz, Deputy Water Department Director
Luis Generoso, Water Resources Manager



CITY OF SAN DIEGO RESPONSE TO GRAND JURY REPORT

"MISHANDLING OF THE SAN DIEGO LOW FLUSH TOILET REBATE PROGRAM"

Pursuant to Penal Code section 933.05, the City of San Diego provides the following responses to the above entitled Grand Jury Report.

FINDINGS:

1. The Department of Water did not effectively monitor contract performance to ensure that the Consultant performed in accordance with the contract. (Facts A, L)

The City disagrees with the finding. The Water Department monitored the contract extensively and when the Department noted substandard performance on the part of its consultant including delays in mailing checks, lack of surveys, and other items, the Department issued default letters to the consultant (Attachments). The City required regular reports from the consultant, Pacific Gateway Group, to monitor check issuance date vs. application date. Such reports were initially received on June 12, 1999, and every month thereafter.

2. The Department of Water did not have sufficient internal controls to properly monitor the Consultant's performance. (Facts B-K, M-O)

The City disagrees with the finding. The Water Department noted problems with the City's consultant's performance and scrutinized all invoices to pay only for rebates that met program requirements. Such meticulous scrutiny resulted in a first time approval rate of 55%.

3. The Consultant's Invoice #7, the consultant's bank statements, and the Department of Water's electronic transfer information can not be reconciled with the information furnished to the Grand Jury. (Facts B-C, G, M-N)

The City does not dispute this finding. It is unknown (to the Water Department) what the consultant's bank statements show. Additional clarification is needed because the Water Department does not pay the City's consultant by 'electronic transfer.' Furthermore, because the City's consultant has routinely re-submitted previously denied rebate applications, it is not unanticipated that reconciliation would be complex.

4. The City did not reconcile the checks issued, checks paid, checks invoiced, checks voided, or checks just thrown away. (Facts C, E, G, M-N)

The City disagrees with the finding. As part of the ongoing invoice review process, the Water Department scrutinizes consultant invoices and matches application control numbers with ULFT rebate check amounts and installation addresses. This review determines if the customer was eligible to receive the ULFT rebate check and if any duplicate rebate checks were issued. The Department also contacts customers by phone to verify if they have received their rebate checks. The Water Department does not reimburse for checks issued incorrectly by the City's consultant.

when this requirement is not met. The Water Department first brought this issue to the attention of the consultant in its correspondence to PGG as early as March 11, 1999, and in letters to PGG of potential contractual default, dated March 29, 1999, and July 2, 1999.

9. The City renewed the Consultant's contract for six months after telling the Grand Jury that the Consultant's contract was not being renewed, and without voluntarily notifying the Grand Jury. (Fact Q)

The City agrees with this finding. Subsequent to discussions with Grand Jury members, a decision was made to extend the contract. The extension provided the opportunity to join the County Water Authority's Voucher Program while minimizing any transitional impact on customers. The County Water Authority's program offers lower cost and improved customer service by providing instant discount at point of sale.

RECOMMENDATIONS:

01-14: The City of San Diego's Department of Water, when using a consultant to issue checks in the City's name, should develop a system or database that links check numbers issued by the Consultant with control numbers and other back-up data.

The City will not be implementing this recommendation because it is unreasonable. This function should be carried out by the City's professional consultant, performed in accordance with the standards customarily adhered to by an experienced and competent professional rebate processing firm using the degree of care and skill ordinarily exercised by reputable professionals practicing in the same field of service in the state of California. Requiring the City to maintain such a system as proposed would negate the reason for having this work performed by a professional firm. A copy of the consultant's database, which contains check numbers and control numbers, is given to the City quarterly.

01-15: The City of San Diego's Department of Water should aggressively enforce any contractual obligation of a paid consultant and promptly impose contractual sanctions when deficiencies are not corrected in a timely manner.

This has been implemented.

01-16: The City of San Diego's Department of Water should develop internal controls to be able to monitor a consultant's adherence to contractual requirements.

This has been implemented. The Water Department has always required its consultant to adhere to contractual requirements.



THE CITY OF SAN DIEGO

March 29, 1999

Mr. Doug Perkins
President, Pacific Gateway Group
450 A Street, Suite 500
San Diego, CA 92101

Dear Doug:

Subject: 1st Default for Failure to Process Rebates within Fifteen (15) Working Days

Per your contract with the City of San Diego, listed in the City Clerk's Office as document number R-291077-2, I am notifying you that your corporation is in default for failure to process rebates within fifteen (15) working days (see Section 2.6 City's Remedies for Default (Attached) of our Agreement and Section 6.2 Processing Rebate Application Forms (Attached) of Exhibit "A" of our Agreement).

I have reviewed your correspondence to Jana Vierola, ULFT Rebate Program Manager, dated March 19, 1999. Of the 47 rebates that were processed beyond the fifteen day requirement, only the four rebates "pulled for inspection" do not constitute a default.

Of the remaining rebates processed, nine you note as "quality control problems," four you note as "Pre-Jan. 29th applications," and thirty as "delayed due to financing approval by City." Be advised of the following.

- Internal quality control problems do not absolve your firm from efficient, effective and timely performance.
- The commencement date for processing applications received prior to January 29th was January 29, 1999, per the Amendment to our Agreement (Attached).



necessitating cessation of the Consultant's work; inability to obtain materials, equipment or labor; required additional Professional Services; or other specific reasons agreed to between the City and the Consultant; provided, however, that (a) this provision shall not apply and the Consultant shall not be entitled to an extension of time for a delay caused by the acts or omissions of the Consultant; and, (b) that a delay caused by the inability to obtain materials shall not entitle the Consultant to an extension of time unless the Consultant furnishes the City, in a timely manner, with documentary proof, to the City's satisfaction, of the inability to obtain materials.

2.5 City's Right to Terminate for Convenience.

The City may, at its sole option and for its convenience, terminate all or any portion of the Professional Services agreed to pursuant to this Agreement by giving written notice of such termination to the Consultant. Such notice shall be delivered by certified mail with return receipt for delivery to the City. The termination of the Professional Services shall be effective upon receipt of the notice by the Consultant. After termination of this Agreement, the Consultant shall complete any and all additional work necessary for the orderly filing of documents and closing of the Consultants Professional Services under this Agreement. For services rendered in completing the work, the Consultant shall be entitled to reasonable compensation, provided, however, that such compensation shall not exceed ten percent (10%) of the compensation due for the Professional Services performed by the Consultant before the effective date of termination without the City's prior written approval. After filing of documents and completion of performance, the Consultant shall deliver to the City all documents, including, but not limited to, reports, forms, computer printouts and disk files, and specifications prepared in connection with or related to the Scope of Services and to the Consultant's Professional Services on the Project. By accepting payment for completion, filing and delivering documents as called for in this paragraph, the Consultant discharges the City of all of the City's payment obligations and liabilities under this Agreement.

2.6 City's Remedies for Default.

If the Consultant fails to perform or adequately perform any obligation required by this Agreement, the Consultant's failure constitutes a Default. If the Consultant fails to satisfactorily cure a Default, the City may immediately pursue remedies for Default. Grounds for termination will not be invoked until multiple infractions are accumulated as follows:

| Failure to Perform the Scope of Work in Exhibit "A" | |
|---|--|
| 1 st Default | Oral Warning with Written Letter Documenting the Event |
| 2 nd Default | Written Warning Documenting the Event |
| 3 rd Default | Grounds for Termination of the Agreement |

6.2 Processing Rebate Application Forms

- 6.21 Customers may apply for a rebate either by telephone, in person at the Rebate Program office or by submitting a completed application by mail.
- 6.22 If the customer applies by telephone, the Consultant will verify account information online and produce an application form with the necessary information, including control number and date of call. Within three (3) days of the phone call a confirmation/work order form will be mailed to the customer for signature and to request the original sales receipt. The confirmation/work order will include language notifying the customer that the original sales receipt may be returned if a self-addressed stamped envelope is enclosed. In the event these customers do not return the signed and completed confirmation/work order within fifteen (15) working days from the date sent, the Consultant will contact them (see Section 6.5 Procedures for Incomplete Applications or Failed Verifications).
- 6.23 A consultant will date stamp and assign an application control number daily on all paperwork, including original sales receipt, submitted by the customer. The Consultant will process all applications in order of receipt, whether by telephone, walk-in or by mail. A mail log will be used, among other methods, to validate entry timeliness.
- 6.24 Within one (1) working day of receipt of all applications, the Consultant will determine if the application is complete, requires further information, or will be part of the random ulft installation verification process.
- A. A complete application is one that has all necessary parts of the application filled out correctly, including approved original sales receipt(s), and is not part of the random ulft installation verification process. The Consultant will enter all applications considered complete into the database within one (1) working day of receipt of the application.
 - B. The Consultant will flag missing, inconsistent, or wrong information contained in the incomplete applications (see

FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND PACIFIC GATEWAY GROUP FOR CONSULTING SERVICES

This Agreement is made by and between the City of San Diego, a municipal corporation, (City), and Pacific Gateway Group (Consultant) for the Consultant to provide Professional Services to the City on the Ultra-Low Flush Toilet Rebate Program (Project).

RECITALS

- A. The City has retained the services of Pacific Gateway Group, a professional water technologies consultant for the implementation and management of the Project.
- B. The City and the Consultant entered into an Agreement dated January 6, 1999, hereinafter "the Agreement," and filed as Document No. R-291077-2 in the office of the Clerk of the City of San Diego.
- C. There have been no previous amendments to the Agreement.
- D. According to the Agreement, the Consultant will provide professional services to the City related to the Project. The parties wish to amend the Agreement to include a provision setting forth the respective rights and responsibilities of the parties related to applications received by the City or the Consultant, that have been submitted on a form developed by the previous vendor.

NOW THEREFORE, in consideration of the recitals and mutual obligations of the parties as herein expressed, the City and the Consultant agree as follows:

That Section 4.15 be added to the Agreement as follows:

"4.15 Outstanding Applications.

Outstanding applications are applications that have been received by the City during the transition from the previous vendor to the Consultant. Outstanding applications have been submitted on a form developed by the previous vendor. The Consultant has requested that outstanding applications be given to the Consultant for processing. The City wants the Consultant to process the outstanding applications.

ARTICLE II - DURATION OF AGREEMENT

2.1 Term of Agreement.

This Agreement shall be effective on the date it is executed by the last party to sign the Agreement, and it shall be effective until December 31, 1999 or until completion of the last task order hereunder.

The City has the option of renewing this Agreement for two additional one year periods under the terms and conditions outlined in this Agreement and its Exhibits.

The renewal of the Agreement is contingent upon a mutual agreement between the City and The Consultant, with such Agreement to be confirmed in writing sixty (60) days prior to the termination of the contract period. Either the City or the Consultant may, at any time, decline to confirm the renewal of the Agreement for any reason whatever, and such declination shall render the renewal option null and void.

The Consultant, in accepting the option to renew the terms and conditions of this Agreement, agrees that the cumulative total of all Option Period 1, January 1, 2000-December 31, 2000, increases will not exceed the Consumer Price Index (CPI) percent rise of the prices in effect at the end of the initial period. Further, the Consultant agrees that the cumulative total of all Option Period 2, January 1, 2001-December 31, 2001, increases will not exceed the CPI percent rise of prices in effect at the end of Option Period 1.

2.2 Time of Essence.

Time is of the essence for each provision of this Agreement.

2.3 Notification of Delay.

The Consultant shall immediately notify the City in writing of any delay in completion of the Professional Services. The written notice shall include an explanation of the cause for, and a reasonable estimate of the length of, the delay. If the delay affects a material part of the Project, the City may exercise its rights under Section 2.5-2.8 of this Agreement.

2.4 Delay.

If delays in the performance of the Professional Services are caused by unforeseen events beyond the control of both Parties, such delay may entitle the Consultant to a reasonable extension of time, but such delay shall not entitle the Consultant to damages or additional compensation. The following conditions may constitute such a delay: war; changes in law or government regulation; labor disputes; strikes; fires, floods, adverse weather or other similar condition of the elements



Attachment B

THE CITY OF SAN DIEGO

July 2, 1999

Mr. Doug Perkins
President, Pacific Gateway Group
450 A Street, Suite 500
San Diego, CA 92101

Dear Mr. Perkins:

Subject: 2nd Default for Failure to Process Rebates within Fifteen (15) Working Days

Per your contract with the City of San Diego, listed in the City Clerk's Office as document number R-291077-2, I am notifying you that your corporation is in default for failure to process rebates within fifteen (15) working days (see Section 2.6 City's Remedies for Default (Attached) of our Agreement and Section 6.2 Processing Rebate Application Forms (Attached) of Exhibit "A" of our Agreement).

I have reviewed your correspondence, dated June 12, 1999 and find that you failed to process 125 of 1024 rebates within the required fifteen days. The attached listing highlights those not in compliance. Once again, you make reference to "Pre-Contract Applications." The commencement date for processing applications received prior to January 29th was January 29, 1999, per the Amendment to our Agreement (Attached).

Additional defaults for failure to process rebates within 15 days will result in reduction in compensation of the rebate processing and program management fee by 10% for each rebate in default.

DEBORAH VAN WANSEELE
Chief Deputy Director, Management Services Division

Attachments: Agreement R-291077-2, Pages 4 and 5
Exhibit "A" of Agreement R-291077-2, Pages 21 and 22
First Amendment to Agreement R-291077-2
Applications from Invoice 2 not in compliance (highlighted)



| Failure to Process Rebates within fifteen (15) working days of determining an application is complete and/or completing the ULFT installation verification. | |
|---|---|
| 1 st Default | Oral Warning with Written Letter Documenting the Event |
| 2 nd Default | Written Warning Documenting the Event |
| 3 rd Default | Reduction in compensation of the Rebate Processing and Program Management Fee by 10% for Each Rebate in Default |
| 4 th Default | Grounds for Termination of the Agreement |

If "Grounds for Termination of the Agreement" is invoked the City may immediately cancel and/or terminate this Agreement, and terminate each and every right of the Consultant, and any person claiming any rights by or through the Consultant under this Agreement. The rights and remedies of the City enumerated in this paragraph are cumulative and shall not limit the City's rights under any other provision of this Agreement, or otherwise waive or deny any right or remedy, at law or in equity, existing as of the date of this Agreement or hereinafter enacted or established, that may be available to the City against the Consultant.

2.7 City's Right to Terminate for Bankruptcy or Assignment for the Benefit of Creditors.

If the Consultant files a voluntary petition in bankruptcy, is adjudicated bankrupt, or makes a general assignment for the benefit of creditors, the City may at its option and without further notice to or demand upon the Consultant, immediately cancel and/or terminate this Agreement, and terminate each and every right of the Consultant, and any person claiming any rights by or through the Consultant under this Agreement. The rights and remedies of the City enumerated in this paragraph are cumulative and shall not limit the City's rights under any other provision of this Agreement, or otherwise waive or deny any right or remedy, at law or in equity, existing as of the date of this Agreement or hereinafter enacted or established, that may be available to the City against the Consultant.

ARTICLE III - COMPENSATION

3.1 General.

The City shall pay the Consultant a Professional Service Fee for all Professional Services and expenses related to performance under this Agreement, in an amount not to exceed \$2,500,000, as set forth in the Cost Estimate (Exhibit B).

Section 6.5 Procedures for Incomplete Applications or Failed Verifications). The Consultant will enter corrections, new and/or missing information into the database within five (5) working days of the receipt of the information.

C. The Consultant will develop a process of randomly flagging applications for ulft installation verifications (see Section 6.4 Ulft Installation Verification Procedure). This procedure will be approved by the City prior to implementation. The Rebate Program database will be updated within two (2) business days from each completed ulft installation verification with verification and survey results.

6.25 Within fifteen (15) working days of determining an application is complete and/or completing the ulft installation verification, the Consultant will issue a Rebate Check (see Section 6.7 Rebate Checks).

6.26 When applications are processed and the rebate check(s) issued, copies of the applications will be submitted by the Consultant to the City to accompany the invoice that is associated with that payment period by the Consultant.

6.3 Determining Customer Qualifications

Customers requesting rebates must meet the following criteria:

6.31 The applicant must be a water customer of the City of San Diego Water Department. The Consultant will determine this by address, name or account number. The Consultant will research customer records from the City's Customer Information System, which contains customer water account data, and the CWA Rebate Program database, both of which will be provided by the City. Should an account not be found on the computer system, the Consultant will notify City staff who will verify new accounts or account changes. If the account cannot be verified, the Consultant must contact the customer for further account information. If the applicant is not a City of San Diego Water Department customer, the Consultant will inform the customer of the appropriate water agency to be contacted for rebate information (if known).

6.32 Only ulft's purchased on or after April 9, 1991, qualifies for rebates. Only ulft's that appear on the CWA's approved ulft list

The commencement date for beginning to process these outstanding applications is January 29, 1999. The processing of outstanding application rebates prior to January 29, 1999, is at the discretion of the Consultant. Application processing time lines for both outstanding applications and new applications will remain as defined in Section 6.2 Processing Rebate Application Forms of Exhibit "B" of the Agreement.

Any errors made in processing the outstanding applications are the responsibility of the Consultant. Payment for outstanding applications will be pursuant to ARTICLE III - COMPENSATION of the Agreement and as enumerated in the Cost Estimate and Fee Schedule (Exhibit "B") of the original Agreement."

This amendment does not otherwise change the Agreement, and all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this instrument is executed by The City of San Diego, acting by and through the Water Department Director, and by the Consultant.

Dated this 19th day of JANUARY, 1999.

THE CITY OF SAN DIEGO

By Douglas Wamseller
Authorized Representative

Dated this 12th day of January, 1999.

PACIFIC GATEWAY GROUP

By Douglas Perkins
Authorized Representative

The form and legality of the foregoing Agreement is hereby approved by the City Attorney of the City of San Diego.

CASEY GWINN, City Attorney

By Alisa Foster
Deputy City Attorney

~~601362, 601364, 601478, 601482, 601483, 601484, 601768, 601797, 601799, 601802, 601808, 601809, 601810, 601811, 601812, 601813, 601814, 601815, 601816, 601817, 601818, 601819, 601820, 601821, 601822, 601825, 601828, 601829, 601830, 601831, 601832, 601834, 601835, 601837, 601840, 601841, 601842, 601844, 601845, 601848, 601849, 601850, 601851, 601852, 601853, 601854, 601855, 601856, 601857, 601859, 601862, 601863, 601864, 601865, 601866, 601867, 601868, 601869, 601872, 601874, 601886, 601888, 601901, 601902, 601903, 601904, 601907, 601910, 601913, 601916, 601917, 601918).~~

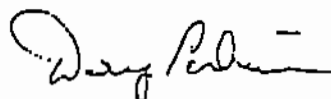
Database Ambiguities- These applications required additional processing time because the original database provided by DPC did not include an account record, a complete unit, and/or condo numbers (600998, 601103, 601104, 601181, 601185, 601186).

Properly Processed - These applications were processed in sixteen days. Section 6.24 of the contract allows one day for review of completeness then a fifteen day processing time. These checks were issued on day 16 (601365, 601501).

This week my staff and I spent over two working days to re-review these applications, time taken away from on-going processing. In many cases, the reason for the processing time was evident on the original copies sent to your office. Many applications had PGG staff notes explaining missing data or highlighting incomplete sections. Many others clearly showed a SSN, make and model or a water account number written in by someone other than the applicant. I also have explained previously PGG's processing procedures for applications which were received by the former contractor or by the City prior to January 29, 1999. Thus, the explanations required by your letter appear redundant and somewhat arbitrary.

We trust these explanations assuage your processing concerns. Please be assured that PGG is processing applications in the same way which the ULFT program has done in the past. We look forward to working with you in making future invoices more discernable to your staff. Please contact me should you have any questions or concerns.

Sincerely,



Doug Perkins
President



Attachment C

THE CITY OF SAN DIEGO

July 2, 1999

Mr. Doug Perkins
President, Pacific Gateway Group
450 A Street, Suite 500
San Diego, CA 92101

Dear Doug:

Subject: 3rd Default for Failure to Perform the Scope of Work

Per your contract with the City of San Diego, listed in the City Clerk's Office as document number R-291077-2, I am notifying you that your corporation is in default for failing to administer the Water Conservation On-Site Verification Survey for each of our ULFT Rebate customers selected for an ULFT installation verification. Please review Section 2.7 Water Conservation On-Site Verification Survey (Attachment 1) of Exhibit "A" of our Agreement. This survey form was to have been submitted "three (3) weeks prior to the scheduled program commencement date."

The Water Conservation On-Site Verification Survey provides ongoing feedback to evaluate the effectiveness of the ULFT Rebate Program. During your June 8, 1999, monthly meeting with City staff, you reported that no Water Conservation On-Site Verification Surveys had been completed during the first four months of operations. This fact is also noted in your Meeting Report minutes (Attachment 2).

Attached is also a copy of your memo dated January 19, 1999, (Attachment 3), requesting approval from the City for: the ULFT Brochure; Water Conservation On-Site Verification Survey (Survey) Form; and Authorization Form. City staff and PGG reviewed and discussed the forms submitted, including the Survey Form, during the 1/20/99 and 2/19/99 meetings. PGG staff indicated, that these surveys were going to be done electronically using hand-held computers (also mentioned on the actual Survey draft form). During the June 8, 1999, meeting you indicated to City staff that your survey field staff do not have any hand-held computers to perform the on-site verifications, instead they are done manually. As of today, no survey documentation has been received by the City.

You were previously given a 1st default notification on February 11, 1999, and a 2nd default notification on July 2, 1999.

DEBORAH VAN WANSEELE
Chief Deputy Director, Management Services Division



Water Resources Management Program

600 B Street, Suite 1210 • San Diego, CA 92101-4588

Tel: (619) 594-6122 Fax: (619) 594-6200

2.75 The Water Conservation Survey is subject to approval by the Program Manager.

2.8 Recycled Paper Products

It is the City's policy to use recycled paper products. The Consultant will use recycled paper products for printed reports, documents, letters, brochures, etc., as specified in this document.

2.9 Low-Flow Showerheads and Faucet Aerators

It is the intent of the City to not only replace high volume toilets/urinals, but to also assure that showerheads and faucets are as efficient as possible. The City will provide the Consultant with low-flow showerheads and faucets aerators to distribute to customers as follows:

- A. The City will provide low-flow showerheads to the Consultant to distribute to City customers. The Consultant will be responsible for the installation of the low-flow showerheads and the removal and recycling of old showerheads from the customer's property for recycling. Low-flow showerheads will be distributed upon completion of the ulft installation verification.
- B. The City will provide faucet aerators to the Consultant to distribute to all City customers within a two (2) week period. The Consultant will not be responsible for the installation of the faucet aerators. Aerators may be distributed in one of two (2) methods:
 - Upon completion of the ulft installation verification;
 - By mail.

3.0 FIELD OPERATIONS

3.1 Local Rebate Office

The Consultant will open and staff an office centrally located within the City of San Diego two (2) weeks before the first day of the official start of the Rebate Program. This office will be dedicated to the operation and management of the City's Rebate Program. It is to be maintained until three (3) weeks after program completion.

City staff will inspect the local office (1) week prior to Rebate Program commencement to ensure office space is adequate and appropriate for the Rebate Program's stated objectives, and that all required equipment and materials are available and functional.

- City and PGG agreed to include an extra bullet under the "Instructions" section with information about the costs eligible for rebate, including licensed plumber's labor.
- The City stated to PGG that if the licensed plumber's labor cost is only for installing a toilet (when no other work was done) no itemization of costs is needed. However, the City still recommended that PGG should make the effort to notify the plumbing industry of the ULFT Rebate Program invoicing requirements and other program updates.
- PGG presented to the City a copy of the compile licensed plumbers list, including the average labor cost breakdown.
- The City provided PGG with a current list of the approved toilets that need to be included on the back of the revised ULFT Rebate Application Form.

Installation Verifications (Inspections)

- The City requested an update regarding installation verifications "Water Conservation On-Site Verification Surveys".
- PGG reported that no Water Conservation On-Site Verification Surveys have been done during the first four months of operations (surveys were started in the end of May 1999).
- The City stated it would decide how the Water Conservation On-Site Verification Survey issue would be handled at a later date.
- PGG suggested completing the pre-May 1999 verifications by conducting telephone surveys.
- The City reminded PGG that installation verification is required in those cases when the customers submit a duplicate cash register receipt from a retail-plumbing outlet. PGG stated this new policy has been followed since the City's recommendation in late May.

Incomplete Applications

- PGG presented to the City a copy of a letter designed to be used when applicants submit an incomplete Application Form and are unable to be reached after at least three telephone contacts. City will review this form and make recommendation for changes.

III. Monthly Invoice:

- The City discussed the problems with Invoice 1 and 2 and requested from PGG the following revisions and information:
 - Revise all the number of dwelling units listed incorrectly in the database. For example, a single-family home cannot have more than one unit. When the unit number is listed incorrectly, the base cost becomes inaccurate.
 - Provide copies of the sub-consultant's invoices (toilet pick-up and inspection information) as these invoice copies are required as back up data for the monthly invoices.
- Monthly status report totals for May 1999, and Accounting period 12 are due to the City one-week following the end of month or end of accounting period.
- The City will send PGG a new "Accounting End Period Date Schedule" for Fiscal Year 2000.
- The City requested PGG to give a cost estimate of producing reports (as stated in Doug Perkin's letter to Jana Vierola, dated May 20, 1999) listing "additional information" for reports that are required by San Diego County Water Authority. The City will request this "additional" report cost proposal in writing. The written cost proposal should include the following information: initial report set-up, previous invoice (1 and 2) information, and future report costs.



PACIFIC GATEWAY GROUP

MEMORANDUM

TO: JANA VIEROLA
FROM: DOUG PERKINS
SUBJECT: ULFT DOCUMENTS DRAFTS
DATE: JANUARY 19, 1999
CC: CHRIS ROBBINS

Per our conversation on Thursday, I am sending you the following ULFT draft documents for approval: ULFT Brochure, Water Conservation Survey, and the Authorization Form. The Confirmation/Work Order draft should be finished later today or tomorrow. If you have any recommendations on improving these documents please contact me at your earliest convenience.

Doug Perkins

RECEIVED
JAN 19 1999
WATER RESOURCES



Attachment D:

THE CITY OF SAN DIEGO

February 11, 1999

Mr. Doug Perkins
President, Pacific Gateway Group
450 A Street, Suite 500
San Diego, CA 92101

Dear Doug:

Per your contract with the City of San Diego, listed in the City Clerk's Office as document number R-291077-2, I am notifying you that your corporation is in default for several specific items included in your contract.

Section 2.3 "Program Notification Brochures" of Exhibit "A" of your contract specifies that a Spanish language version of the program notification brochure must be developed. As of February 11, 1999, no Spanish language brochure has been developed. In order to remedy this default, provide a draft Spanish language brochure to me by February 19, 1999.

Section 4.0 "Public Information and Marketing Program" of Exhibit "A" of your contract specifies that the Rebate Program's promotion and marketing program will be designed and managed by your firm. As of February 11, 1999, no strategy for reaching commercial and industrial customers has been developed by your firm. Further, the Executive Summary of your proposal (Exhibit "B" of your contract) stipulates that your firm will more than double the participation rates of commercial/industrial customers. In order to remedy this default, a presentation of your marketing program must be scheduled with myself and the Program Manager, Jana Vierola prior to February 26, 1999.

Section 5.0 "Personnel" of Exhibit "A" of your contract outlines the need for supervisory and working personnel. As of our last meeting on February 10, 1999, it was evident that some of the personnel described in your proposal (Exhibit "B" of your contract) are not performing their roles as described. Specifically, adequate office supervision on a full-time basis is not occurring. In order to remedy this default, an updated organization chart (including adequate full-time supervision), and resumes of new personnel needs to be provided to me by February 19, 1999.

Water Conservation Program

Water • Public Works • 600 B Street, Suite 1210 • San Diego, CA 92101-4588

Tel: 619.255.0122 Fax: 619.527.5200



PACIFIC GATEWAY GROUP

January 29, 1999

Chris Robbins, Senior Management Analyst
Water Resources Management Program
600 B Street, Suite# 1210
San Diego, CA 92101

Dear Mr. Robbins,

I am writing this letter to request city authorization for forwarding to the Bank of Coronado all approved monthly invoice payments due PGG in accordance with section 7.4 of our contract R-291077. This is a standard requirement of the Small Business Administration (SBA) guaranteed Revolving Contract Cap Line of Credit provided PGG by the Bank of Coronado.

Both the Bank of Coronado and I understand the following: (1) That this action by the City of San Diego in no way creates a contractual relationship between the City and the Bank. (2) That both the Bank and PGG are fully aware of the complete contract language, specifically as it relates to non-performance by PGG and the City's rights and obligations to withhold funds or terminate (3) That PGG and the Bank agree that the City of San Diego will not be made party to any judicial or administrative proceeding for the purpose of resolving a dispute amongst ourselves.

As we have discussed, this type of credit line is new to PGG and such assignment of proceeds to the Bank is reasonable and standard procedure for a SBA guaranteed Revolving Contract Cap Line of Credit.

Please sign the three copies of this letter and return two copies to us at Pacific Gateway Group, Inc. One copy of this letter is for your files, one for Pacific Gateway Group, Inc, and the third copy for the Bank of Coronado.

We trust this ameliorates any exposure concerns the City may have and we are open to suggestions or additions to this language.

Sincerely,

Doug Perkins
Pacific Gateway Group

Acknowledged:

Paul Polowski
Bank of Coronado

City of San Diego



Attachment E

THE CITY OF SAN DIEGO

August 1, 2000

Mr. Doug Perkins
President, Pacific Gateway Group
450 A Street, Suite 500
San Diego, CA 92101

Dear Doug:

Subject: Default for Failure to Perform the Scope of Work

Per your contract with the City of San Diego, listed in the City Clerk's Office as document number R-291077-2, I am notifying you that your corporation is in default for failing to provide rebate program data, per Section 2.1 "Database Requirements" of Exhibit "A" of our Agreement. Section 2.1 is attached for your convenience. Additionally, the City not only requires the first year of data, but also the data from the first two quarters of the second year of your contract.

Should you have any questions regarding this default, I can be reached at (619) 533-4203.

A handwritten signature in cursive script, appearing to read "Chris Robbins".

Chris Robbins
Supervising Management Analyst

Attachments



- The customer of record - name and telephone number
- Service address
- Ulft and valve (if applicable) make and model
- Date(s) of purchase and installation
- Contact name and telephone number
- Payee name, address, and telephone number
- Building type
- Tax status and identification number
- Number of ulft's applied for the rebate
- Number of low-flow showerheads and aerators distributed/ installed
- Number of dwelling units in which ulft's were installed.
- Total number of ulft's, showers, and dwelling units at a site address
- Date of verification (if applicable)
- Calculated rebate amount
- Date rebate check distributed
- Assigned application control number
- Purpose of ulft installation (i.e., water savings, conservation, rebate)

The Consultant will provide all processed rebate information from the database in a printed report and in an ASCII Delimited file to the City two (2) weeks after the end of each quarter. (The current database software which is standard for use in the City is Paradox[®]). The entire database in a printed report and in an ASCII Delimited file become the property of the City upon completion of the Rebate Program. Computer files, disks, manuals, etc. will be given to the City no later than three (3) weeks after the Rebate Program ends.

The Consultant will provide for the ability of the Program Manager to dial into the database via a modem connection to search for customer information and rebate status. The Consultant will provide training and customer support to the Program Manager and designated City staff on the use of the database.



ATTACHMENT F

THE CITY OF SAN DIEGO

AUDIT REPORT

Friday, June 8, 2001

Larry Gardner
Water Department Director

SUBJECT: ULTRA LOW FLUSH TOILET REBATE PROGRAM

At the request of the San Diego County Grand Jury, we performed additional auditing of the contract between the City and Pacific Gateway Group (PGG), the consultant who administers the Ultra Low Flush Toilet (ULFT) Rebate Program. Our audit covered contract inception through December 31, 2000, and consisted of:

- selecting a statistically valid sample of the 11,911 rebate records to confirm eligibility and compliance with rebate requirements
- sending confirmation letters to each of the rebate applicants tested to verify receipt of payment
- reviewing 100% of all rebate checks invoiced to the City of San Diego to ensure they were cashed (recorded on PGG's bank statements as clearing the bank account)
- reviewing the PGG database of information for potential anomalies

Through December 31, 2000 PGG was paid a total of \$1,602,561 (excluding administrative and other fees) for the 11,911 rebates.



Audit Division • Office of the City Auditor and Comptroller

1010 Second Avenue, Suite 555, MS 654 • San Diego, CA 92101

Tel (619) 533-3180 Fax (619) 533-4495

ULTRA LOW FLUSH TOILET REBATE PROGRAM
SCHEDULE OF OUTSTANDING CHECKS GREATER THAN 90 DAYS FROM ISSUE DATE
VERIFIED ON BANK STATEMENTS THROUGH FEBRUARY 28, 2001
INVOICED TO CITY THROUGH DECEMBER 31, 2000

| FROM PACIFIC GATEWAY GROUP INVOICES PAID BY THE CITY | | | | | | | FROM BANK |
|--|---------------------|---------------------|-----------------------|-------------------------|---------------------|---------------------------------|---------------------|
| <u>Invoice Number</u> | <u>Invoice Type</u> | <u>Invoice Year</u> | <u>Control Number</u> | <u>Check Issue Date</u> | <u>PGG Check No</u> | <u>Amount Reimbursed to PGG</u> | <u>Check Status</u> |
| 1 | SF | 1 | 600-487 | 2/25/99 | 1526 | \$ 75.00 | Uncleared |
| 1 | SF | 1 | 600-723 | 3/2/99 | 1797 | \$ 74.34 | Uncleared |
| 1 | SF | 1 | 600-786 | 3/2/99 | 1854 | \$ 150.00 | Uncleared |
| 1 | SF | 1 | 601-006 | 3/5/99 | 1994 | \$ 75.00 | Uncleared |
| 2 | SF | 1 | 601-270 | 3/25/99 | 2304 | \$ 150.00 | Uncleared |
| 2 | MF | 1 | 601-361 | 3/30/99 | 2404 | \$ 75.00 | Uncleared |
| 2 | SF | 1 | 601-561 | 4/2/99 | 2563 | \$ 150.00 | Uncleared |
| 3 | SF | 1 | 601-654 | 4/20/99 | 2925 | \$ 75.00 | Uncleared |
| 3 | SF | 1 | 602-075 | 4/20/99 | 3057 | \$ 75.00 | Uncleared |
| 3 | SF | 1 | 602-189 | 4/30/99 | 3138 | \$ 150.00 | Uncleared |
| 4 | MF | 1 | 602-296 | 5/14/99 | 3479 | \$ 75.00 | Uncleared |
| 4 | SF | 1 | 602-627 | 5/20/99 | 3605 | \$ 75.00 | Uncleared |
| 4 | SF | 1 | 602-743 | 5/20/99 | 3691 | \$ 150.00 | Uncleared |
| 4 | SF | 1 | 603-062 | 5/28/99 | 3995 | \$ 75.00 | Uncleared |
| 4 | SF | 1 | 603-147 | 5/28/99 | 4055 | \$ 75.00 | Uncleared |
| 5 | SF | 1 | 603-574 | 6/11/99 | 4594 | \$ 75.00 | Uncleared |
| 5 | SF | 1 | 601-973 | 6/28/99 | 4678 | \$ 74.85 | Uncleared |
| 5 | SF | 1 | 602-843 | 6/28/99 | 4737 | \$ 75.00 | Uncleared |
| 5 | SF | 1 | 603-772 | 6/28/99 | 4835 | \$ 150.00 | Uncleared |
| 5 | SF | 1 | 603-399 | 6/30/99 | 5008 | \$ 75.00 | Uncleared |
| 5 | C | 1 | 603-256 | 6/30/99 | 5063 | \$ 75.00 | Uncleared |
| 5 | SF | 1 | 604-055 | 6/30/99 | 5116 | \$ 75.00 | Uncleared |
| 5 | SF | 1 | 604-117 | 6/30/99 | 5163 | \$ 75.00 | Uncleared |
| 5 | C | 1 | 602-796 | 6/30/99 | 5250 | \$ 150.00 | Uncleared |
| 5 | SF | 1 | 603-882 | 6/30/99 | 5251 | \$ 150.00 | Uncleared |
| 6 | SF | 1 | 604-321 | 7/13/99 | 5434 | \$ 75.00 | Uncleared |
| 7 | SF | 1 | 602-311 | 8/4/99 | 5747 | \$ 75.00 | Uncleared |
| 7 | MF | 1 | 603-292 | 8/4/99 | 5769 | \$ 300.00 | Uncleared |
| 7 | SF | 1 | 604-178 | 8/4/99 | 5835 | \$ 150.00 | Uncleared |
| 7 | SF | 1 | 604-683 | 8/4/99 | 5969 | \$ 150.00 | Uncleared |
| 7 | SF | 1 | 604-900 | 8/20/99 | 6384 | \$ 51.37 | Uncleared |
| 7 | SF | 1 | 604-929 | 8/20/99 | 6406 | \$ 75.00 | Uncleared |
| 7 | SF | 1 | 604-935 | 8/20/99 | 6411 | \$ 75.00 | Uncleared |
| 8 | SF | 1 | 605-032 | 8/31/99 | 6653 | \$ 75.00 | Uncleared |
| 8 | SF | 1 | 605-120 | 8/31/99 | 6720 | \$ 75.00 | Uncleared |

ULTRA LOW FLUSH TOILET REBATE PROGRAM
SCHEDULE OF OUTSTANDING CHECKS GREATER THAN 90 DAYS FROM ISSUE DATE
VERIFIED ON BANK STATEMENTS THROUGH FEBRUARY 28, 2001
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| FROM PACIFIC GATEWAY GROUP INVOICES PAID BY THE CITY | | | | | | | FROM BANK |
|--|-------------------------------|-------------------------------|-----------------------|-------------------------|---------------------|---|---------------------|
| <u>Invoice</u> <u>Number</u> | <u>Invoice</u> <u>Type</u> | <u>Invoice</u> <u>Year</u> | <u>Control Number</u> | <u>Check Issue Date</u> | <u>PGG Check No</u> | <u>Amount</u> <u>Reimbursed to</u> <u>PGG</u> | <u>Check Status</u> |
| 7 | SF | 2 | 700-856 | 7/17/00 | 12355 | \$ 75.00 | Uncleared |
| 7 | SF | 2 | 700-896 | 7/17/00 | 12380 | \$ 75.00 | Uncleared |
| 8 | SF | 2 | 800-381 | 8/10/00 | 12944 | \$ 75.00 | Uncleared |
| 8 | SF | 2 | 800-628 | 8/31/00 | 13166 | \$ 150.00 | Uncleared |
| 8 | SF | 2 | 800-670 | 8/31/00 | 13192 | \$ 225.00 | Uncleared |
| 9 | SF | 2 | 800-899 | 9/21/00 | 13458 | \$ 139.18 | Uncleared |
| 9 | SF | 2 | 800-935 | 9/21/00 | 13484 | \$ 75.00 | Uncleared |
| 9 | SF | 2 | 800-962 | 9/21/00 | 13503 | \$ 75.00 | Uncleared |
| 9 | SF | 2 | 900-091 | 9/21/00 | 13589 | \$ 75.00 | Uncleared |
| 9 | SF | 2 | 900-083 | 9/30/00 | 13602 | \$ 75.00 | Uncleared |
| 10 | CI | 2 | 605-979 | 10/10/00 | 13689 | \$ 75.00 | Uncleared |
| 10 | SF | 2 | 900-397 | 10/20/00 | 13857 | \$ 150.00 | Uncleared |
| 10 | SF | 2 | 900-429 | 10/20/00 | 13874 | \$ 75.00 | Uncleared |
| 10 | SF | 2 | 900-168 | 10/31/00 | 13987 | \$ 75.00 | Uncleared |
| 10 | SF | 2 | 900-642 | 10/31/00 | 14041 | \$ 75.00 | Uncleared |
| 10 | SF | 2 | 900-739 | 10/31/00 | 14086 | \$ 150.00 | Uncleared |
| Total Outstanding checks, more than 90 days after Issue date | | | | | | \$ 8,285.00 | |

JULIAN UNION HIGH SCHOOL DISTRICT



Julian Union High School District

PO Box 417 - 1656 Highway 78 - Julian, CA 92038-0417 - 760-765-3208 - 765-2926 fax

RECEIVED

April 25, 2001

APR 27 2001

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

**SAN DIEGO
COUNTY GRAND JURY**

APR 26 2001

Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

By: C. NEFUMOUNO, Deputy

Attention:
Presiding Judge
Superior Court of San Diego County

RE: S.D. County Grand Jury 2000-2001 Report: "Julian High School District"

Dear Sir,

In accordance with California Penal Code § 933(c), the Julian Union High School District Board of Trustees provides the individual board member's response to the findings and recommendation of the Grant Jury report.

Each Board member was provided with a copy of the report and was asked to provide their responses in accordance with the California Penal Code § 933.05 (a), (b), (c). Four of the five Board members responded. (*Respondent*: Mr. Rob Fender, Board President; Ms. Lynn Passavanti, Member; Dr. Jim Howard, Member; Ms. Susan Seiferth, Clerk; *Nonrespondent*: Ms. Stacy Peyakov, Member)

Recognizing the diversity and complexity of the Board members' responses, each Board member's individual response is provided as the Julian Union High School District response to the Grand Jury report.

Sincerely,

Rob Fender
Board President

encl: A Report by the San Diego County Grand Jury Report 2000-2001, February 7, 2001
Response from Board President Rob Fender
Response from Board Member Lynn Passavanti
Response from Board Member Dr. Jim Howard
Response from Board Clerk Susan Seiferth

01-4 "That the board make every effort to avoid Brown Act violations, including proper notification of special meetings"

(This recommendation has been implemented)

Since my involvement on the board, there has only been one violation that I'm aware of and that violation was not from one of the board members. There seems to be a sense of cooperation when addressing Brown Act issues. The item regarding posting of notices seems to have worked its way out and I have not heard of any additional problems from either other board members or from the community. The central Administration office controls this item and if the posting is done incorrectly, we can only respond after the fact.

01-5 "That the board avoid the appearance of impropriety when making purchases"

(This recommendation has been implemented)

Since the "GATE" computer purchase, and the controversy surrounding this issue, there have been numerous purchases from the same company. Because of this concern on the part of the board, a directive has been expressed to the Superintendent to not make any more purchases from this firm in order to avoid similar repercussions in the future. As of the last board meeting, March 2001, the directive was to discontinue purchases of this nature from this firm.

01-6 "The board meeting proceedings be taped in order to avoid subsequent misunderstandings"

(This recommendation has been implemented)

As of the December 2000 meeting, the board meetings were being taped. The board allocated and purchased equipment to follow through with this task. As far as I know, the last meeting and maybe the preceding meeting were not taped for whatever reason. I will try to make appoint to the Superintendent to make sure that the equipment is up and running for our next meeting and any subsequent meeting in the future. At a board workshop, sponsored by the ~~CSDA~~ ^{CSDA}, it was recommended that the board not tape meetings but it was OK for the general public to tape the meetings.

01-7 "That the board reevaluates the operations of the Ray Redding Continuation School with a view to reducing the dropout rate."

(This recommendation will be implemented in the future)

As part of an analysis of the overall operations for the entire district, special meeting scheduled for April 17, 2001, one of the topics will be the restructuring of the Continuation school, its operation, staffing and administration. The hopes will be to meet the financial responsibilities and educational requirements that are so important for every aspect of the district. If indeed there is a substantial dropout rate associated with the Continuation school, the board can start to address these issues at that time and in subsequent special meetings that will address these same types of problems.

Recommendations

01-1: "That the board take advantage of seminars and consultants who are available to help improve its operations..."

(This recommendation has been implemented)

The new board has employed the services of an outside consultant to assist in team building. Unfortunately, the one board member who needed to be there to reduce the ongoing friction that exists opted to not participate. Continued efforts are in the works to have additional consultation, pending the financial resources, which were given up in order to help with the teachers salary contract. As the new board continues to move forward, there is a genuine concern that we can and will work towards an understanding that it is OK to have differences of opinion and that we can agree to disagree.

01-2 "That the board learn and abide by its Policies and Procedures"

(This recommendation will be implemented in the future)

The new board is still in a training mode and still trying to comprehend the Policies and Procedures. As part of this training, and as resources and time permit, the individual members are trying to attend seminars and review documentation that will assist in the operations of the district.

01-3 "That the board assumes a more cooperative, dignified, and mature manner in their work on the board in order to be role models with the school and the community they represent".

(This recommendation has been implemented)

As a new board member, I can only say that I have received only positive feed back from the community on the way the present board is responding to the needs of the community. There is a sense of understanding and an open line of communication that exists. Although it is not the task of the board or its individual members to intercede with the day-to-day operations (micro manage) at the school, the community members who have come forward to talk to the board, either at the meetings or individually, has now taken on a more relaxed approach to issues facing the school. I believe that there is definitely a level of cooperation that is conducive to positive improvements between the community and the board.

**RESPONSE OF BOARD PRESIDENT
ROB FENDER**

April 5, 2001

Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830
(619) 515-8707
(619) 515-8696 (fax)

Attention:
Presiding Judge
Superior Court of San Diego County

Re: S.D. County Grand Jury 2000-2001 Report: "Julian High School District"

Dear Ladies and Gentlemen:

Based upon the Grand Jury report dated February 7, 2001, I'm responding as a new board member and a resident of Julian. Some of the issues and concerns occurred prior to my direct involvement on the present school board. I can also respond based upon my personal contact with affected individuals who have confided in me both prior to the November election and after the election upon my becoming the current President of the school board.

The synopsis in the report is well founded and directly relates to the background information, procedures and facts. Below you will find my own personal response to each of the findings and a short follow-up to provide background as to why I responded the way I did. Additionally, I have responded to each one of the recommendations as to the best of my knowledge based upon my present understanding of the facts.

These responses are totally my own and do not necessarily reflect the opinion of other individual board members, administrators, staff, teachers, students, parents or community members. Included are responses from other members of the school board based upon their own perspective. Additionally, the Superintendent will respond as required under a separate document.

Sincerely,

Rob Fender
President, Julian High School District Board.

Findings

1a. ~~"The Board of Education is in disarray"~~

(Respondent disagrees partially)

As a resident of Julian, and present school board president, I was not directly associated with the previous school board in question. As an attendee of many of the school board meetings leading up to the investigation by the Grand Jury, I can honestly state that the outward appearance, presented by the former board was not of disarray, but maybe one of friction. Based upon my knowledge of the previous board and my own experience with the present board, the day to day business matters (as portrayed to the general public) were handled in a professional manner with the exception of direct friction between some board members who may have disagreed on some issues. There didn't seem to be a position of being able to agree to disagree when it was necessary. This is something that the present board is striving towards, but with some resistance.

1b. ~~"Not fully aware of its duties and responsibilities"~~

(Respondent disagrees partially)

Again, based upon my knowledge of the status of the last board (majority of board members) and their relationship with the Superintendent, and my personal contact / relationship with the Superintendent, I feel that the board members were mostly aware of their duties and responsibilities. This is based upon the fact that the leadership of the Superintendent directs their knowledge of procedures and methods. If the information is flawed, then it might be true that the board members are not aware of their duties. Backup documentation is provided to each board member, with follow-up from the Superintendent on these issues. The general perception by the community, that the board members lack awareness of duties, is mostly unfounded. My personal conversations with former and present board members indicate a general understanding of policies and procedures.

1c. ~~"Friction exists among members"~~

(Respondent agrees with this finding)

One only needed to attend board meetings and observe the apparent animosity that existed between some board members towards a single board member. Body language, facial expressions and general condescending comments by some board members towards another board member were very apparent. The routine decision process worked without incident. The slightest hint of controversy caused friction among board members, which lead to dissention.

2. ~~"Proper posting of notices for special meetings"~~

(Respondent disagrees partially)

My knowledge of meetings was through the Julian "grapevine" communication within the community. Seldom did I need to see a notice, although on occasion, I did see notices at the Post Office. Over the past year or so, I have heard of concerns of improper notification for meetings. The Administration has refuted these comments, stating that all notices (to their knowledge) have been posted properly.

6b. "Enrollment has dropped due to dropouts"

(Respondent agrees partially with this finding)

On monthly basis, the school board gets enrollment reports stating how many students are at each of the three schools (elementary / jr. high, high school and continuation). The records over the past six months have indicated no dropouts. The staff has indicated that a number of students are just not showing up on as required and maybe dropping out. The numbers reported by the Administration and the staff seems to be different.

6c. "Grant money has not been accounted for"

(Respondent cannot respond)

I have heard comments that the monies allocated to computers for the Continuation school has not come forward. These monies were to come from a grant. I have no knowledge one way or another if these funds have been sent for this item.

7. "The Charter School was sponsored primarily as a means to increase income"

(Respondent agrees with this finding)

Based upon the benefits (or potential benefits) for Julian High School, this finding is true. I cannot think of another reason for the school to sponsor this program if there wasn't some sort of financial reward. The school is placed in a position of reduced administrative support because of the Charter School. Additionally, the staff is stretched thinner than necessary. The only redeeming benefit would be the potential for financial gain. The overwhelming negative is the potential for not providing the students in the program with the necessary support, education and guidance that "may" go along with the sponsorship. I have been told by an independent source (out of the district) that there are some of these "satellite" charter school sites around the state that are operating these schools for a larger organization and the support is weak at best. This is a concern to me regardless of the financial reward.

8. "Some community members are upset with the way the school board operates"

(Respondent agrees with this finding)

Prior to the election, it was apparent that the community was very upset with the demeanor of the previous board and how the board communicated with the residents of Julian. The results were apparent in the results of the election. As a community member, watching the board in action, I could see how members of the community could be resentful towards the board for their lack of compassion and ability to listen and react. The previous board sometimes acted on their own with no regard to community input. An example was the choice for a board member replacement. It was quite apparent that the board made a selection based upon their own desires rather than listen to the communities input. This was highlighted by the results of the election. There wasn't a board meeting that took place where community outcry was not commonplace.

9. "The High School received a six year WASC accreditation"

(Respondent agrees with this finding)

This is a great accomplishment for the Administration, staff, teachers and students alike. Nothing can be taken away from these groups for their efforts to attain this high honor. The previous board and all involved can be congratulated for this achievement.

10. "The test scores of the students are above average"

(Respondent agrees with this finding)

The reading scores are between plus 2 and plus 15 points higher than the county average, the math scores are between minus seven and plus 4 points compared to the county averages and the language arts scores are between even and plus nine points above the county average.

11. "Many individuals have positive attitudes towards the Superintendent"

(Respondent agrees partially with this finding)

During my involvement with the board and prior to the election, I feel that a majority of the people I have talked to do not agree with the direction or decisions of the Administration or Superintendent. I refer to this group as the vocal minority. Many individuals do not express their concern or approval of the Superintendent to me as a board member. The individuals who do come forward and communicate with me definitely have negative feelings about the actions and direction from the Superintendent. There are some community members who appreciate the Superintendent for his efforts and applauded the improvements in the school both physically and academically.

12. "The Superintendent successfully pursued state funding to supplement the bond monies for the renovation and upgrade at the high school"

(Respondent agrees with this finding)

In addition to the state funds, the Superintendent also reinforced the allocation of those funds and additional funds when there were overruns for circumstances that were out of the control of the district and unforeseen conditions. Through the Superintendents efforts, the funds that were "borrowed" from school funds have been replaced.

13. "Most of the people interviewed in Julian community responded positively towards the Principal, who has resigned"

(Respondent agrees with this finding)

Although I do not know who was interviewed and what those individuals may have said, it was a general consensus within the high school community that the previous Principal was a calming asset to the relationships between the Administration and the teachers / students. Additionally, the Principal had a good rapport with the parents and participated in school and community functions.

01-8 "That the board encourage the electorate and taxpayers to take a more active interest in the activities of the board and the school in order to be able to evaluate the performance of the board members and the administration"

(This recommendation will be implemented in the future)

In the very near future, the board will be starting the evaluation process of the Superintendent. The criteria for evaluation is based upon the "Goals and Objectives" established by the previous board for the year 2000 – 2001 (see attached). These guidelines are ~~not only appropriate for Superintendent evaluation, but also for the appraisal of the performance of the present board.~~ It will be the intent of the board to solicit comment from the community when this process starts to better evaluate our performance. Although the final evaluation and associated personnel recommendations are "closed session" items, input on our performance should be considered in the evaluation process.

01-9 "That the Superintendent receive additional professional training designed to improve his relationship with the school staff"

(This recommendation will be implemented in the future)

See item number 01-7 above for remarks concerning this issue

01-10 "That ways and means be sought in order to provide open communication between the district administration and the school staff"

(This recommendation will be implemented in the future)

This issue will not be able to be addressed fully until there is a new Principal in place to act as a buffer ~~between the present central administration and the teaching staff.~~

Although Policy and Procedure will emanate from the board, the superintendent will disseminate the information through the working relationship with the new Principal. Continued efforts by the board will take place to mend the disagreements that exist and seem to be ~~continuing as of this time between the central administration and the staff.~~

01-11 "That responses to requests from the teaching staff by the district administration be made in a timely manner"

(This recommendation will be implemented in the future)

This item needs to be addressed. On a continuing basis, the board is still hearing complaints from staff members that responses from the administration are slow to come or lacking all together. Although, this may be a two way street. Additional research on the ~~Superintendents part will be necessary in order to fully comprehend the nature of this recommendation.~~ Requests need to be submitted in the proper form and in a timely fashion in order to be executed in the proper time constraints. This issue will be under consideration and review to better understand the nature of the concern.

01-12 "That staff be given access to budget and expenditure information in a timely manner, especially when it involves their positions"

(This recommendation will be implemented in the future)

As a member of the Julian High School community, I can honestly state that I feel that I know the budget, including income and expenditures, as well as anyone in the district. I have spent countless hours combing through the documentation that is available. All the information is there but deciphering that information and compiling it into a format that can be understood is not available. As part of my training and understanding of the budget, it is very difficult, if not impossible, to allocate funds to a specific line item within the budget. Expenditures on a monthly basis are grouped together in three or four categories and it is very difficult to tell how a particular line item is fairing in terms of year to date and available balance. Administration salaries are dispersed among many categories and individuals are compensated from the same line item at rates that are mixed and almost impossible to understand. As per item number 01-7 above, the restructuring of the business manager position will go a long way to eliminating the misunderstanding that is now present.

01-13 "That improvements of interpersonal relationships at all levels be a goal of the district"

(This recommendation will be implemented in the future)

"You can lead a horse to water but you can't make it drink". This might be the present situation that exists within the district. There is an attitude of non-communication that exists at all levels. Based upon my personal contact with many different individuals from all areas within the district, the communication links and cooperation is very low. Some form of policy that holds individuals accountable for their actions (or lack of) needs to be established. A standard procedure for requests needs to be implemented. Additionally, functions that encourage team building and interpersonal relationships will go along way to breaking down any dissension that exists right now. As improvements in the communication system improves and individuals take more pride in their work environment, the relationships among the individuals will improve.

**RESPONSE OF BOARD MEMBER
LYNN PASSAVANTI**

Lynn Passavanti
PO Box 576 * Julian, CA * 92036
760-765-1324 (home) * 760-765-2032 (day) * 760-765-2482 (fax)
gl@ideasinwood.net

April 6, 2001

To: Rob Fender, President Board of Trustees
Copy: Jim Zoll, Superintendent

Grand jury response

Findings #1: The Board is in disarray.

I disagree partially with the finding.

At the time of this investigation the Board of Education was not in disarray, was completely aware of its duties and responsibilities and most members participated fully in performing their duties. Friction did exist among the members of the group as can be expected with five individuals with different view points. One member in particular, Member Peyakov, seemed to be at odds with the opinions and votes of the rest of the board on several issues.

It is the responsibility of all board members to continually expand their knowledge of their roles and responsibilities and keep current on education topics. We expect this of our staff and teachers; the same expectation should be self imposed on the board. A suggestion at the time to have a board workshop to identify problems within the group was rejected by Member Peyakov.

Subsequent to an election within the district and a change to the board, resulting with three new members, the importance of workshops is paramount. Thus far, one five hour workshop facilitated by Dr. Rene Townsend has been presented. No follow up has yet occurred. The board president is working with Dr. Zoll and Dr. Townsend to prepare a plan for further workshops, with the hindurance that the budget for board development has been eliminated.

Finding #2

I disagree with the finding. In one instance a typographical error occurred on the agenda, stating an incorrect date of the meeting. The legality of the meeting was challenged and the remedy was to reschedule the exact meeting again. This did occur. Since that time, agenda posting rules have been reviewed, agendas are time date/time stamped as they are posted to comply with posting regulations giving the public adequate time to be involved with the meetings.

The board is in the process of securing equipment and recruiting volunteers to tape all board meetings.

Finding #3

I cannot agree or disagree as to the feelings of the teaching staff. Responsible adults make it their responsibility to secure timely information as it relates to their jobs or programs.

The Superintendent is completely forth right in answering all my questions. We have weekly letters keeping us current on all student, school, district actions. All questions are answered in a

timely matter with appropriate back up information. The Superintendent makes every effort to meet in person, over the phone and is available at home should any situation or question arise.

Finding #4

I cannot agree or disagree with teacher dissatisfaction with central office administrators. The same level of professionalism expressed by the Superintendent is also standard at staff level. I find it helpful to put my request in a memo form to the person concerned. This gives the staff person time to gather the data needed to answer the response. It also makes the request very clear in the intent. It is also helpful to indicate a time when I am available to receive the information.

Finding #5

I am sure criticism resulting from many actions is common. It is the responsibility of the business manager to assess needs, investigate the best product, service and price of all district purchases, especially when large amounts of money are involved. I firmly believe, based upon evidence and back up material, that the computers were purchased in what was the best interest of the school District.

The question of conflict was thoroughly investigated by our legal counsel and an opinion rendered that there was no conflict. Our business manager has always been professional in his business dealings and expects high levels of service from all our vendors.

All new equipment has bugs that need working out and our support contract is being addressed. Teacher training/professional development plan is in place with all staff being instructed on the use of the machines and software.

Finding #6

There are staff problems at the continuation high school. Current teachers do not perform their full duties and responsibilities and reject recommended course of action or new curriculum adoptions.

I disagree that enrollment has decreased due to dropouts. If there is a drop out problem, there is sufficient staff available to address on daily attendance and monitor student work so the students will be successful. We currently have two full time teachers at Ray Redding with a student ratio of approx 1-9 or 1-15. It appears additional teacher training is required to have them fully understand the needs and requirements of a continuation program.

The make up of a continuation school is the flexibility it allows students to catch up on required course work and return to a regular high school setting if desired. Students are shifting between Ray Redding and Julian High School. I need additional evidence of a drop out problem.

Finding #7

There are many reasons for implementing a Charter School: options for all students, especially those identified as "at risk", and expanded opportunities for students who do not perform well in a traditional school setting; flexibility in course work not available at a traditional school setting; addressing different learning methods by students that succeed working at an independent pace. The potential increased income is also compelling as the District could not assume a risk of accepting a program that would be a drain on the budget.

Finding #8

Can't please everyone. The role of the board is to do what is in the best interest of all students, not a select few. It would be helpful to have a functioning Parent Teacher Club to assist the

school in identifying areas where community/parents are active in the schools. This brings about open communication and increased information sharing.

**RESPONSE OF BOARD MEMBER
DR. JAMES HOWARD**

From: James Howard

Fax: +1(760)765-1385

To: Evelyn Dalby

Fax: (760)765-2065

Page 1 of 3 Friday, April 20, 2001 3:47 PM

FAX**Date:** Friday, April 20, 2001**Pages including cover sheet:** 3

| | |
|------------------|---------------|
| To: | Evelyn Dalby |
| | |
| | |
| | |
| | |
| | |
| Phone | |
| Fax Phone | (760)765-2926 |

| | |
|------------------|-----------------|
| From: | James Howard |
| | JLH Associates |
| | P.O. Box 1556 |
| | Julian |
| | Ca 92036 |
| | |
| Phone | +1(760)765-2065 |
| Fax Phone | +1(760)765-1385 |

NOTE:

Please give these responses to Jim.
 Thanks
 Jim Howard

RESPONSE TO GRAND JURY REPORT
JAMES L. HOWARD
JULIAN UNION HIGH SCHOOL BOARD MEMBER
April 20, 2001

Two factors influence my ability to respond to the Grand Jury report. The first factor is I was not a member of the board that the report addresses. Secondly, the report itself is not presented in a quantifiable data format. It is difficult for me to determine what percentage of the respondent population agreed or disagreed with the facts.

Findings

- #1. Board Disarray - I am aware of the discontent of one board member from the previous board. I am not clear as to whether this board member continues to be discontented with the present board, as the member has not openly discussed their position. The new board is presently in the process of developing boardsmanship skills through workshops and discussions.
- #2. Posting of Special Meetings - I do not find this to be a problem with the new board. Every effort appears to be made to inform board members as well as the community prior to 72 hours of each meeting.
- #3. Superintendent Sensitivity - The superintendent appears to have a no nonsense, task oriented business manner. I understand that he expects his staff to work in this professional manner also. However, I do feel he needs to clarify and enhance his nurturing process by creating a plan for joint administrative and staff interpersonal development.
- #4. Teacher Dissatisfaction with Central Office Administrators - The board is aware of this issue and is trying to develop itself along with administration to improve communications with staff and the community.
- #5. Computer Purchases - The new board has prioritized fiscal management. This issue has been resolved.
- #6. Continuation School Dropouts - I am unaware of a consistent dropout pattern at the continuation school. The board will review this issue and if true a plan will be developed to monitor and reduce this pattern.
- #7. Charter School - The charter school does not appear to have created an unnecessary burden on administration. Programmatically and fiscally the program is doing well. Its revenue generating capacity is an enhancement to the district.
- #8. Community Upset with Board - This issue pertains to the previous board. The new board is involved in team building and looking for avenues to work closer with the community.
- #9. WASC Accreditation - The district is very proud of its success. The district needs to identify which human and pragmatic factors went into this achievement. Such factors should be incorporated into a plan of action for continued success.
- #10. Above Average Test Scores - The finding would tend to indicate that a cohesive district team does exist and should continue its present path for the continued improvement of student success.

#11. Positive Superintendent Attitudes – The superintendent is only as effective as his team is. He and his team have demonstrated their effectiveness by improved student performance.

#12. Renovation Funds – The superintendent was extremely successful in obtaining these funds and providing a 21st century environment for the students and staff.

#13. High School Principal – The principal referenced in this document is to be commended for his contributions to the district. His strengths will be highlighted in the search for a new principal.

Recommendations

#1. Seminars and Consultants – The board has implemented this recommendation. A workshop has already been completed.

#2. Policies and Procedures – The board has implemented this recommendation. Special meetings are in the process to develop board roles and responsibilities.

#3. Board Professionalism – It is anticipated that recommendations 1 and 2 will fulfill this need.

#4. Brown Act Violations – The present board is aware of the Brown Act and no violations have occurred.

#5. Appearances of Impropriety – The board has resolved this issue and will review education code 35230.

#6. Taping of Board Meetings – The board has resolved this issue. Several persons are being trained to perform this duty.

#7. Ray Redding Continuation School – The recommendation requires further analysis regarding the dropout rate.

#8. Increased Community Involvement – The board is in the process of developing its goals and objectives. Increased community involvement and communications will be a part of this endeavor.

#9. Superintendent Training – This recommendation requires further analysis due to the fact that the superintendent is only one element of the communications process. All parties' (teachers, board members, management) need to be part of an interpersonal skills development process.

#10. Provide Open Communications – Refer to response #9.

#11. Timely Manner Responses – The recommendation requires further analysis due to the fact that timely manner must first be defined and what policies and procedures are in place.

#12. Budget Accessibility – Refer to response #11.

#13. Improved Interpersonal Skills – The recommendation has been implemented and is part of an ongoing process, starting with the board. The board will ensure that interpersonal skills building are a continual evolutionary process that includes all levels of the district. This issue is the predominant theme of the report and is addressed throughout these responses.

**RESPONSE OF BOARD CLERK
SUSAN SEIFERTH**

Response to the San Diego County Grand Jury Report dated February 7, 2001

Submitted by Susan Seiferth

April 2, 2001

I am addressing the Grand Jury findings on pages 4 and 5.

Item 1-This item was totally true but it has been rectified by the election in November, 2000. The board now seems to be ratified because we have 3 new and fresh minds. We are working together now with the students and staff's best interests at heart.

Item 2-I believe that in the past this was a problem but since December of 2000 I have not noticed any improprieties in this area.

Item 3-I agree with this finding and unfortunately see no change in the near future. The Superintendent does not believe a problem exists and does not wish to correct any wrongdoing on his part. We, as a board, are working on this problem and hope to find an answer in the very near future.

Item 4-I believe this goes hand in hand with item 3. The other administrators tend to have the same attitude as the superintendent. I think this feeling stems from fears of retribution from the superintendent if the others don't treat the staff as he does. I feel when we repair the concerns in item 3 we will also repair the situation in item 4.

Item 5-I agree with the findings in item 5. I think that if you have a committee that researches a project to locate particular equipment within a certain budget and recommendations from the specific personnel that will be utilizing this equipment, the administration and board should follow the committee's recommendations. In this case an administrator utilized his son's company and it looks like a conflict of interest because the pricing was far different and the matter was never re-discussed with the committee.

Item 6-I agree with this item because since I have been on the board there have been a loss of at least 2 students. The explanation given to me was that they were both 5-year students and over 18 so they were invited to vacate the premises.

Item 7- I agree with this finding. In several meetings the business manager has alluded to the fact that the charter school will generate a considerable income for the district.

Item 8- Since the change in the board, the community have seemed to calm down. The current board is more open to and responsive to the concerns of the community.

Item 9- I agree with this item. The staff need to be applauded for their efforts in this area.

Item 10- I agree with this and I applaud our incredible staff and students themselves.

Item 11- I know that Dr. Zoll has several followers and supporters in this community. He has managed to procure several wonderful grants and he also has the backing of several people at the San Diego County Office of Education. Dr. Zoll can be a very charming individual and he goes after what he wants with a vengeance. Several people appreciate his desires and dreams for this high school.

Item 12- This item I agree with. As in item 11 this item epitomizes Dr. Zoll's drive for something the high school required. Dr. Zoll is an incredible politician and he likes to have his plans and dreams become a reality.

Item 13- I agree with this finding. Mr. Patrick Judd was an incredible Principal. He had the staff and students foremost in his thoughts. He was an excellent buffer between the superintendent and the teaching staff.

I will address the Recommendations as follows:

Item 1- The board has already implemented this. We have had several training seminars.

Item 2- The current board closely abides by its Policies and Procedures.

Item 3- The current board has implemented this item with accepting more input from the staff and the community. This board tries to address each person's concerns at the current board meeting or the next monthly board meeting.

Item 4- This board has made it imperative that notification be given of all meetings either special or regular.

Item 5- This has been implemented for all future purchases but unfortunately we have not been able to repair the existing problem as yet. This problem is being researched and should be rectified within the next few months.

Item 6- This has been implemented at each meeting since December except for the March meeting. At that board meeting there was no recording other than a personal recording done by one of the board members.

Item 7- This has not been implemented as yet but the board is aware of the problem, and is looking into it.

Item 8- The current board has started to implement this by opening up the lines of communication with the community. We have also welcomed community members to be on committees for budget planning and selecting the new principal.

Item 9- This recommendation has not been implemented as yet. It has been suggested at training seminars but the superintendent has met it with resistance. He does not believe that there is a problem. He believes that someone has to play the bad guy and he will gladly play that part.

Item 10- This is being worked on by the board. We, the board, have been more open and responsive to the staff and we are trying to encourage all parties involved to strive for one goal. That goal is a better environment for the students.

Item 11- The board is addressing this by opening lines of communication between the staff and the board. The board is following up any requests and we are pressing for a timely response.

Item 12- The pay negotiations with the teachers has finally been ratified and we, as a board, are much more open with any information the staff may want.

Item 13- This current board strongly wishes to better the interpersonal relationships. The board is currently implementing this item with open communication at all times.

A DESCRIPTIVE STUDY OF CHARTER SCHOOLS IN SD COUNTY



CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • 619 425-9600

EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

BOARD OF EDUCATION

CHERYL S. COX, Ed.D.
LARRY CUNNINGHAM
PATRICK A. JUDD
BERTHA J. LÓPEZ
PAMELA B. SMITH

SUPERINTENDENT

LIBIA S. GIL, Ph.D.

July 5, 2001

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

JUL 09 2001

The Honorable Wayne L. Peterson
Presiding Judge of the Superior Court
Hall of Justice
220 West Broadway
San Diego, California 92101

By: C. NEPOMUCENO, Deputy

RE: SAN DIEGO COUNTY GRAND JURY 2000-2001 REPORT:
"A DESCRIPTIVE STUDY OF CHARTER SCHOOLS IN
SAN DIEGO COUNTY"

Dear Sir:

The Chula Vista Elementary School District has received the referenced report and the following response is made in compliance with the California Penal Code §933(c).

As the person responsible for carrying out the required oversight of charter schools, and pursuant to Penal Code §933(c), the following comments on the findings and recommendations pertaining to matters under the control of the Chula Vista Elementary School District are herein set forth:

- Recommendation 01-53: that the school districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study or Home Study.

Response: None of the charter schools in the Chula Vista Elementary School District employ independent study or home study education as defined in the study, therefore this recommendation does not apply and cannot be implemented. Should some future charter propose or contemplate such an instructional delivery model, this recommendation will be implemented.

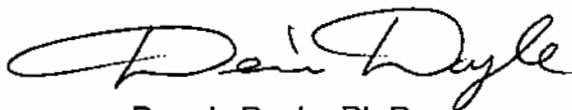
The Honorable Wayne L. Peterson
Presiding Judge of the Superior Court
July 5, 2001
Page 2

- Recommendation 01-54: that the school districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.

Response: This recommendation has been implemented. Written administrative procedures for initial review of charter schools petitions and annual evaluations were instituted in April of 1994 (see attached ADMINISTRATIVE PROCEDURES FOR REVIEWING AND EVALUATING SB 1448 CHARTER SCHOOL PETITIONS," Chula Vista Elementary School District Board of Education Agenda Item 13.C., April 12, 1994) and were further addressed in Board Policy 0420.4 (adopted on March 16, 1999) and Administrative Regulation 0420.4. Please note that additional oversight is provided to direct-funded charters through an independent external review of internal accounting and administrative controls in conjunction with an annual audit of such schools as required by their charters.

The Chula Vista Elementary School District appreciates the Descriptive Study of Charter Schools in San Diego County and welcomes suggestions for improvement at any time.

Sincerely,



Dennis Doyle, Ph.D.
Assistant Superintendent
Instructional Services and Support

DD:smn

cc: Patrick F. Culkin, Foreman
San Diego County Grand Jury 2000-01
Rudy Castruita, Ed.D., Superintendent
San Diego County Office of Education
Enclosures



May 16, 2001

Patrick Culkin, Foreman
Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-8707

RECEIVED

MAY 17 2001

**SAN DIEGO
COUNTY GRAND JURY**

BOARD OF EDUCATION

Zoe Carpenter
Joan Gardner
Carilyn Gilbert
Debbie Stauffer
Linda Woods

**ACTING
SUPERINTENDENT**
Ron Guiles

RE: Response to San Diego County Grand Jury 2000-2001 Report: "A Descriptive Study of Charter Schools in San Diego County"

Dear Mr. Culkin:

In accordance with California Penal Code 933.05 (a), (b), (c) Escondido Union School District will respond to your recommendations 01-53 and 1-54.

01-53: School districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study of Home Study.

Escondido Union School District abides by the current state and county regulations regarding the monitoring of The Classical Academy. It is our understanding that we are meeting the intent of the law with our current accounting/auditing procedures. Should you desire additional auditing of attendance records we suggest that the state or county strengthen the audit requirements.

This recommendation will not be implemented until further audit procedures are determined at the state or county level.

01-54: School districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.

Escondido Union School District has established a procedure of oversight through the original language of the Charter. The district is entitled to one seat on the board of The Classical Academy that may be filled at the superintendent's discretion at anytime. Since the inception of the school, the assistant superintendent of curriculum and instruction has been the formal liaison and oversight contact.

This recommendation has been implemented as described above.

Respectfully,

Ron Guiles, Acting Superintendent
Escondido Union School District

Cc: Bob Goode, Executive Director, The Classical Academy

OFFICE LOCATION

1330 E. Grand Ave.
Escondido, CA 92027
Tel (760) 432-2400
Fax (760) 745-8896
www.escusd.k12.ca.us



High School District

COMMITTED TO EXCELLENCE
S I N C E 1 9 2 0

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AUG 28 2001
SAN DIEGO
COUNTY GRAND JURY

• GOVERNING BOARD MEMBERS

GARY CASS
TED CROOKS
DANIEL C. McGEORGE
THOMAS A. PAGE
PRISCILLA SCHREIBER

• SUPERINTENDENT

GRANGER B. WARD

August 23, 2001
RS379

The Honorable Wayne L. Peterson
Presiding Judge of Superior Court
220 West Broadway
San Diego, CA 92101

Dear Judge Peterson:

We are in receipt of the Grand Jury's report on charter schools. Our comments on the findings and recommendations are:

- Finding 1 – The respondent agrees with the finding.
- Finding 2 – The respondent agrees with the finding.
- Finding 3 – The respondent agrees with the finding.
- Finding 4 – The respondent agrees with the finding.

With regard to recommendations:

- 01-52 – The recommendation has been implemented.
- 01-53 – The recommendation has been implemented.
- 01-54 - The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

Sincerely,


Granger B. Ward
Superintendent

RECEIVED

AUG 27 2001

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

AUG 27 2001

By: C. NEPOMUCENO, Deputy

**SAN DIEGO COUNTY OFFICE OF EDUCATION**

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools

Rudy M. Castruita, Ed.D.

May 17, 2001

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

MAY 8 1 2001

By: C. NEPOMUCENO, Deputy

The Honorable Wayne L. Peterson
Presiding Judge of Superior Court
220 West Broadway
San Diego CA 92101

Dear Judge Peterson:

I am in receipt of the County Grand Jury report entitled "San Diego County Grand Jury 2000-01 Report: A Descriptive Study of Charter Schools in San Diego County." Pursuant to that report's recommendation 01-52, I have distributed copies of this report to all school districts and charter schools in San Diego County.

Sincerely,

Rudy M. Castruita
County Superintendent of Schools

RMC:BAS

Board of Education

Nick Aguilar Ernest J. Dronenburg, Jr. Susan Foy Jim Kelly John Witt

SERVICE AND LEADERSHIP

COPY**Grand Jury**

COUNTY OF SAN DIEGO
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830
(619) 515-8707
(619) 515-8036 FAX

PATRICK F. CULKIN, Foreman

May 1, 2001

CONFIDENTIAL

Dr. Rudy Castruita, Superintendent
San Diego County Office of Education
6491 Linda Vista Road
San Diego, CA 92111-7399

See Attached Mailing List for School Districts

Re: **San Diego County Grand Jury 2000-2001 Report: "A Descriptive Study of Charter Schools in San Diego County"**

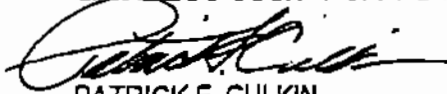
Dear Ladies and Gentlemen:

The San Diego County Grand Jury 2000-2001 herewith provides the referenced report for your review and comment to the Presiding Judge of the Superior Court in compliance with the Penal Code of California §933(c). This report was prepared pursuant to §933.5 of the Penal Code.

In accordance with Penal Code §933.05(e), a copy of this report is being provided to affected agencies two working days prior to its public release and after being approved by the Presiding Judge of the Superior Court. Please note that §933.05(e) specifies that **no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.** This report will be filed with the Clerk of the Court and released to the public on Tuesday, May 8, 2001.

Sincerely,

SAN DIEGO COUNTY GRAND JURY 2000-2001



PATRICK F. CULKIN
Foreman

PFC:lln
enc.

Attached Mailing List for School Districts
Page 2

Superintendent John Heckman
Bonsall Union School District
P.O. Box 3
Bonsall, CA 92003-0003

Superintendent Libia Gil
Chula Vista Elementary School District
84 East J Street
Chula Vista, CA 91910-6199

Superintendent Ronald Guiles
Escondido Union School District
1330 E. Grand Avenue
Escondido, CA 92027-3099

Superintendent David Hughes
Escondido Union High School District
302 N. Midway Drive
Escondido, CA 92027

Superintendent Granger Ward
Grossmont Union High School District
P.O. Box 1043
La Mesa, CA 91944-1043

Superintendent Allan Gordon
Jamul-Dulzura Union School District
14581 Lyons Valley Road
Jamul, CA 91935-3324

Superintendent Kevin Ogden
Julian Elementary School District
P.O. Box 337
Julian, CA 92036-0337

Superintendent James Zoll
Julian Union High School District
P.O. Box 417
Julian, CA 92036-0417

Superintendent Carol Leighty
Lakeside Union School District
P.O. Box 578
Lakeside, CA 92040-0578

Superintendent Kenneth Noonan
Oceanside Unified School District
2111 Mission Avenue
Oceanside, CA 92054-2395

Superintendent Alan Bersin
San Diego Unified School District
4100 Normal Street
San Diego, CA 92103-2682

Superintendent Marcia Johnson
Santee School District
9625 Cuyamaca Street
Santee, CA 92071-2674

Superintendent Richard Thome
South Bay Union School District
601 Elm Avenue
Imperial Beach, CA 91932-2098

Superintendent Edward Brand
Sweetwater Union High School Dist.
1130 Fifth Avenue
Chula Vista, CA 91911-2896

Superintendent Dave Cowles
Vista Unified School District
1234 Arcadia Avenue
Vista, CA 92084-3495

A DESCRIPTIVE STUDY OF CHARTER SCHOOLS IN SAN DIEGO COUNTY



**A Report by the
San Diego County Grand Jury 2000-2001
May 8, 2001**

A DESCRIPTIVE STUDY OF CHARTER SCHOOLS IN SAN DIEGO COUNTY

SYNOPSIS

California instituted charter schools in 1992 as a means of offering teachers, parents, and pupils an educational opportunity that operates independently from the existing school district structure.

Charter schools are very much in the limelight at present. The president, the governor, and local school boards are advocating the expansion of the program. Presently, many parents and other concerned citizens are unsure of the goals and procedures regarding charter schools. Some confuse charter schools with private schools, magnet schools, and voucher issues. The 2000-2001 San Diego Grand Jury decided to initiate this study to bring the facts regarding charter schools to the attention of the schools and residents of San Diego County.

The study reveals the state laws regarding charter schools, some of the various ways charter schools in the county are organized, and the test results of these schools as compared with traditional schools.

The Grand Jury recommends that the San Diego County Office of Education give this report wide dissemination, and that local school boards strengthen some of their oversight responsibilities.

BACKGROUND

The Grand Jury examined and studied the California Education Code laws regarding charter schools.

The law states:

47600. This part shall be known, and may be cited, as the "Charter Schools Act of 1992."

47601. It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that **operate independently from the existing school district structure**, as a method to accomplish all of the following:

(Bold added to emphasize the independence provided by the Act.)

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

Despite the independence authorized by this Act, there are other provisions of the Education Code that regulated some of the activities of charter schools, including, but not limited to:

47604 (c) relieves school districts of any liability that might arise from injuries or staff malfeasance;

47605 (a) provides, in detail, the procedure for establishing a charter school;

47605 (k) provides for oversight by the local school district;

47612.5 (a) and (b) provide additional guidelines charter schools are required to follow;

51745 (a) sets forth the conditions under which charter schools may offer independent study.

Since 1992, when charter schools were first authorized, many restrictions have been added.

PROCEDURES

In addition to reviewing the provisions of California State Laws regarding charter schools, the Grand Jury performed the following procedures:

1. The charter of each of the San Diego County charter schools was examined. The School Accountability Report Card, required annually of all schools as a report of several kinds of information, was also studied by the jury.
2. The Grand Jury visited several charter schools, interviewed the directors and the staffs. The jury visited classrooms and talked with students. Some interviews were carried out at the Grand Jury chambers. All interviewees were cooperative and anxious to share their knowledge.
3. The jury obtained test scores and other data concerning the charter schools in San Diego County from the State Department of Education web site.

FACTS

- A. There are 33 charter schools in San Diego County. They serve over 20,000 students, approximately four percent of the county student body.
- B. Several charter schools are incorporated as non-profit public benefit corporations. The reasons given for this are:
 1. Increased self-determination regarding curriculum selection and organization;
 2. Ability to seek private donations and grants.
- C. On the other hand, a drawback to the non-profit public benefit status is found in the Education Code:

47604 (c) "It is the intent of the Legislature that an authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation shall not be liable for the debts or obligations of the charter school." This frees the school district of any liability that might arise from injuries or staff malfeasance.

D. Several charter schools are associated with non-profit or for-profit corporations or foundations, which:

1. provide educational materials and guidance and/or
2. manage the business side of the school's activities.

E. Six of the charter schools employ independent study or home study education. For purposes of this study, we define "independent study" to mean the student works almost exclusively at home, there being little or no classroom work at the school site. "Home study" refers to cases where the student does receive classroom instruction at the school part time and works at home on assignments the remainder of the week.

F. All of the charter schools in San Diego County, as well as the state of California, are required to participate in the state testing program. The results are published as an Academic Performance Index (API). The objective is for the schools to achieve an API equal to or above a score of 800. One charter school achieved such a score.

1. Of the 33 charter schools in San Diego County, only 18 had API scores reported; the others did not have a previous year's API score that is used to measure progress. Of the 18, five schools are too small for their score comparisons to be considered valid. This left 13 schools eligible for our API Score Comparison Study.
2. School scores are compared to other schools in two ways; compared to all other schools in the state, and compared to schools with similar demographics. The comparisons are reported on a scale of one to ten, ten being the highest.
 - a. Compared to all other schools in the state:
the average rank for the 13 charter schools was 4.85, slightly below the norm of 5.0.

Individual school ranks were:

| S C O R E | NO. OF SCHOOLS | S C O R E | NO. OF SCHOOLS |
|-----------------------|-------------------|-----------------------|-------------------|
| 10 | 1 | 5 | 0 |
| 9 | 0 | 4 | 3 |
| 8 | 1 | 3 | 2 |
| 7 | 2 | 2 | 1 |
| 6 | 1 | 1 | 2 |

- b. Compared to all other schools with similar demographics:
these criteria are listed in the state API report as follows:

Pupil mobility

Pupil ethnicity

Pupil socioeconomic status

Percentage of teachers who are fully credential

Percentage of teachers who hold emergency credentials

Percentage of pupils who are English language learners

Average class size per grade level

Whether the schools operate multitrack year-round educational programs.

The average rank for the 13 charter schools was 5.46, which is 0.46 above the state average of 5.0.

Individual school ranks were:

| S C O R E | NO. OF SCHOOLS | S C O R E | NO. OF SCHOOLS |
|-----------------------|-------------------|-----------------------|-------------------|
| 10 | 2 | 5 | 3 |
| 9 | 1 | 4 | 0 |
| 8 | 1 | 3 | 1 |
| 7 | 1 | 2 | 0 |
| 6 | 1 | 1 | 3 |

- G. The ethnic breakdown of the 18 charter schools for which data was available, as compared with the whole county:

| Ethnic Group | Charter Percent | County Percent |
|-----------------|--------------------|-------------------|
| AfricanAm | 22.89 | 8.6 |
| Native Am | 3.22 | 0.9 |
| Asian | 4.11 | 4.9 |
| Filipino | 2.17 | 4.9 |
| Hispanic | 36.22 | 36.6 |
| Pacific Island | 0.22 | 0.8 |
| White | 30.17 | 42.6 |

FINDINGS

1. Charter schools in San Diego County are organized and operated in accordance with the provisions of California State Laws.
 2. Achievement of students in the charter schools of the county is at least as high as comparable schools, but not significantly higher.
 3. Attendance records of students undertaking Independent Study and Home Study appears to be open to inaccuracy.
 4. Oversight of the charter schools by school districts can be improved.
-

RECOMMENDATIONS

The Grand Jury recommends:

- 01-52:** that the San Diego County Office of Education distribute copies of this report to all school districts in the county as well as all of the charter schools.
- 01-53:** that the school districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study or Home Study.
- 01-54:** that the school districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.
-

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the grand jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. *Such comments shall be submitted no later than 90 days after the grand jury submits its report to the public agency.* Also, every ELECTED county officer or agency head for which the grand jury has responsibility shall comment on the findings and recommendations pertaining to matters under the control of that

county officer or agency head, as well as any agency or agencies which that officer or agency head supervises or controls. *Such comment shall be made within 60 days to the Presiding Judge of the Superior Court with an information copy sent to the Board of Supervisors.*

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

San Diego County Office of Education

Recommendation 01-52

| | |
|---|--------------------------------------|
| Bonsall Union School District | Recommendations: 01-53, 01-54 |
| Chula Vista Elementary School District | Recommendations: 01-53, 01-54 |
| Escondido Union School District | Recommendations: 01-53, 01-54 |
| Escondido Union High School District | Recommendations: 01-53, 01-54 |
| Grossmont Union High School District | Recommendations: 01-53, 01-54 |
| Jamul-Dulzura Union School District | Recommendations: 01-53, 01-54 |
| Julian Elementary School District | Recommendations: 01-53, 01-54 |
| Julian Union High School District | Recommendations: 01-53, 01-54 |
| Lakeside Union School District | Recommendations: 01-53, 01-54 |
| Oceanside Unified School District | Recommendations: 01-53, 01-54 |
| San Diego Unified School District | Recommendations: 01-53, 01-54 |
| Santee School District | Recommendations: 01-53, 01-54 |
| South Bay Union School District | Recommendations: 01-53, 01-54 |
| Sweetwater Union High School District | Recommendations: 01-53, 01-54 |
| Vista Unified School District | Recommendations: 01-53, 01-54 |



Julian Union School District

P.O. BOX 337 • JULIAN, CA 92036 • (760) 765-0661 • FAX (760) 765-0220

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

JUN 18 2001

By: C. NEPOMUCENO, Deputy

To: Presiding Judge of the Superior Court
From: Kevin Ogden, Superintendent
Subject: Response To Grand Jury Report, "A Descriptive Study of Charter Schools In San Diego County," May 8, 2001
Date: June 13, 2001

The following is the response of the Julian Union School District to Recommendation 01-53 and 01-54 as they apply to Julian Charter School in the Julian Union School District.

Recommendation 01-53 ... (Agreement with finding)

Attendance records are audited routinely. Also, an independent review by our district auditors was conducted. In addition, the approved charter document clearly delineates the requirements for attendance accounting and these are strictly adhered to.

The Julian Union School District will continue to monitor attendance records of the Julian Charter School carefully and routinely.

Recommendation 01-54... (Agreement with finding)

The responsibility for oversight of the Julian Charter School rests with the Superintendent. In addition, business matters are reviewed by the Business Manager and matters related to Special Education are reviewed by the Director of Special Programs.

Oversight of the Charter School is delineated in our Financial Memorandum of Understanding with the Charter. The Superintendent meets at a minimum weekly with the Director of the Charter School and serves on the Board of the School.

cc: Jennifer Cauzza, Director of Julian Charter School
Governing Board Members of the Julian Union School District

OCEANSIDE UNIFIED SCHOOL DISTRICT

2111 Mission Avenue ♦ Oceanside CA 92054-2395 ♦ Telephone: (760)757-2560 ♦ Fax: (760)721-9714

RECEIVED

AUG 20 2001

**SAN DIEGO
COUNTY GRAND JURY**

BOARD OF EDUCATION

Emily Ortiz Wichmann, President
Lillian V. Adams, Vice President
Janet Bledsoe Lacy, Clerk
Adrienne Hakes, Ed.D., Member
Roy Youngblood, Member

DISTRICT SUPERINTENDENT

Kenneth A. Noonan

Grand Jury, County Of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego CA 92101-3830

RE: A Descriptive Study of Charter Schools in San Diego County

Attention: Patrick F. Culkin, Foreman

Dear Mr. Culkin:

The Grand Jury recommends:

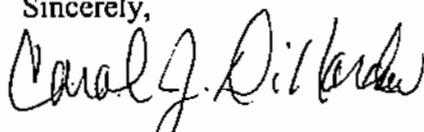
- 01-53 that the Oceanside Unified School District institutes ways of auditing the attendance records of students in Independent Study or Home Study.

Response: The recommendation has been implemented. The attendance reporting for Pacific View Charter School is maintained on the County Student Information System (CSIS) and those monthly reports are reviewed by district staff, supervised by the Assistant Superintendent of Business Services. In addition, the charter school utilizes the same auditing firm which is contracted by Oceanside Unified. The audit report is submitted to the district.

- 01-54 that the Oceanside Unified School District establishes a written procedure regarding oversight of charter schools, and assigns a specific person or position to be responsible for carrying out the required oversight.

Response: The recommendation has not yet been implemented, but will be implemented by November 1, 2001.

Sincerely,



Carol J. Dillard
Deputy Superintendent

CJD:caw\GJResponse



Santee School District

“WHERE YOUNG MINDS MEET OPEN DOORS”

August 16, 2001

RECEIVED

AUG 20 2001

SAN DIEGO
COUNTY GRAND JURY

Mr. Patrick F. Culkin, Foreman
San Diego County Grand Jury 2000-2001
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

RE: San Diego County Grand Jury 2000-2001 Report: "A Descriptive Study of Charter Schools in San Diego County."

Dear Mr. Culkin:

The Santee School District herewith provides the following legal response requested in the referenced report in compliance with the Penal Code of California:

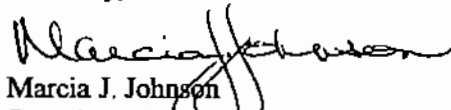
Recommendation 01-53: that the school districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study or Home Study.

Santee School District Response to 01-53: The respondent agrees with the finding. The recommendation has been implemented. The Santee Explorer Academy reports attendance of all students, including Independent Study and Home Study students to Santee School District on a monthly basis. Attendance is also audited on an annual basis.

Recommendation 01-54: that the school districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.

Santee School District Response to 01-54: The respondent agrees with the finding. The recommendation has been implemented. Santee School District Board Policy and Administrative Regulation 0420.4 - CHARTER SCHOOLS, defines the general oversight responsibility of the Santee School District Board of Education and assigns the Santee School District Superintendent as the position responsible for carrying out the required oversight. The executed Operational Agreement specifically identifies reports and reporting periods required of the Charter School to the District.

Sincerely,



Marcia J. Johnson
Superintendent

BOARD OF EDUCATION: Cathy Abel, Dianne El-Hajj, Julie McIntosh, Sandy Pugliese, Barbara Ryan
DISTRICT SUPERINTENDENT: Marcia J. Johnson



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools
Rudy M. Castruita, Ed.D.

May 17, 2001

F I D
STEPHEN THUNBERG
Clerk of the Superior Court

MAY 21 2001

By: C. NEPOMUCENO, Deputy

The Honorable Wayne L. Peterson
Presiding Judge of Superior Court
220 West Broadway
San Diego CA 92101

Dear Judge Peterson:

I am in receipt of the County Grand Jury report entitled "San Diego County Grand Jury 2000-01 Report: A Descriptive Study of Charter Schools in San Diego County." Pursuant to that report's recommendation 01-52, I have distributed copies of this report to all school districts and charter schools in San Diego County.

Sincerely,

Rudy M. Castruita
County Superintendent of Schools

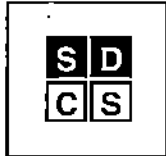
RMC:BAS

Board of Education

Nick Aguilar Ernest J. Dronenburg, Jr. Susen Foy Jim Kelly John Wirt

SERVICE AND LEADERSHIP

AUG 23 2001



SAN DIEGO UNIFIED SCHOOL DISTRICT
Office of General Counsel

4100 Normal Street, Room 2148, San Diego, CA 92103

By: C. NEPOMUCENO, Deputy
(619) 725-5630 Fax: (619) 725-5639

JO ANNE SAWYERKNOLL
General Counsel

JOSE A. GONZALES
Assistant General Counsel

RICARDO J. SOTO
Assistant General Counsel

TAD SETH PARZEN
Assistant General Counsel

4860 Ruffner Street, Room 7
San Diego, CA 92111

(858) 637-6232
Fax: (858) 573-5878

RECEIVED

August 22, 2001

AUG 24 2001

**SAN DIEGO
COUNTY GRAND JURY**

Presiding Judge, Wayne L. Peterson
San Diego Superior Court
P.O. Box 122724
San Diego, CA 92112-2724

Dear Judge Peterson:

The San Diego Unified School District (hereinafter referred to as "the District") has reviewed the San Diego County Grand Jury's "Descriptive Study of Charter Schools in San Diego County." Further, it has reviewed the Grand Jury's recommendations 01-53 and 01-54 in this report. The District agrees with each of these findings and further states that it takes or has taken the following actions with respect to each:

Recommendation 01-53:


The District currently audits student attendance records of all its schools, charter and non-charter, on a periodic and regularly scheduled basis through its Internal Audit Department. It is expected with the approval of new written charter policy process that audits of school attendance records for all charter schools would occur on an annual basis.

Recommendation 01-54:

The District is in the process of establishing a written charter policy process concerning the oversight and monitoring of charter schools. It is believed that a final written charter policy process will be approved by the Board of Education no later than December 2001. The Office of the Superintendent will be responsible for carrying out oversight and monitoring activities related to charter schools to insure that they are legally implementing their charters, obeying federal and state law and providing sound education to all the students.

Should you have any further questions concerning the District's response to the Grand Jury Report, please contact my office at (619) 725-5630.

Sincerely,



JO ANNE SAWYERKNOLL
General Counsel

c: San Diego County Board of Supervisors
Members of the Board of Education
A. Bersin
T. Smith

SWEETWATER UNION HIGH SCHOOL DISTRICT

Alternative Education

467 1/2 Moss Street
Chula Vista, CA 91911
Phone: (619) 585-7800
FAX: (619) 425-2761

September 11, 2001

Chuck Mulroy, Foreman
Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, California 92101-3830

RECEIVED
SEP 17 2001
SAN DIEGO
COUNTY GRAND JURY

Dear Mr. Mulroy,

I am responding to your letter dated August 30, 2001, addressed to Superintendent Edward Brand of the Sweetwater Union High School District. I have recently been appointed Director of Alternative Education. In that capacity I will be responsible for coordinating the board approval process, administration, evaluation, and guidance of the district's charter schools. Presently, the Sweetwater Union High School District oversees just one charter school, the MAAC Community Charter School, which was granted charter on March 16, 2000.

I have reviewed "A Descriptive Study of Charter Schools in San Diego County", a report by the San Diego County Grand Jury 2000-2001, and have commented on the Findings and Recommendations as requested.

Grand Jury findings:

1. Charter schools in San Diego County are organized and operated in accordance with the provisions of California State Laws.

The respondent agrees with this finding.

2. Achievement of students in the charter schools of the county is at least as high as comparable schools, but not significantly higher.

The respondent agrees with this finding.

3. Attendance records of students undertaking Independent Study and Home Study appear to be open to inaccuracy.

While the Grand Jury lists this as a finding, there is no evidence included in "A Descriptive Study of Charter Schools in San Diego County" (which includes a press release, synopsis, background, procedures, and facts) distributed in the San Diego County Grand Jury 2000-2001 Report (May 8, 2001) supporting this finding. In any event, any record-keeping procedure is open to inaccuracy due to human error.

4. Oversight of the charter schools by school districts can be improved.

There is no evidence included in the packet documenting the need for improved oversight. However, the respondent agrees that oversight by districts can always be improved.

Recommendations:

01-53 that the school districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study or Home Study.

The Grand Jury report defines **independent study** to "mean the student works almost exclusively at home, there being little or no classroom work at the school site." **Home study** "refers to cases where the student does receive classroom instruction at the school part time and works at home on assignments the remainder of the week."

The Sweetwater Union High School District is the chartering entity of the MAAC Community Charter School (Charter approved March 16, 2000) in Chula Vista. The Charter School opened to students on September 4, 2001. None of the students in the MAAC Community Charter School is attending as an "independent study" or "home study" student as defined by the Grand Jury study. Each student attends school daily for 5.5 hours, five days per week, on a regular school calendar.

The recommendation is not warranted in the case of the MAAC Community Charter School because the students do not fit the description above. However, the district will closely monitor the attendance records and procedures of the MAAC Community Charter School, which is the only charter school in the Sweetwater Union High School District.

01-54 that the school districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.

The Sweetwater Union High School District has a policy (6176) and regulation (6176.1) which specifically address Charter Schools. (A copy of this policy and regulation are attached.)

Recommendation 01-54 has been implemented by Regulation 6176.1 which states that "Responsibility for board approval process, administration, evaluation, and guidance of the district charter schools shall be vested in the Director of Alternative Education, who is directly responsible to the Area Superintendent North or his/her designee."

Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernest Anastos', with a long horizontal line extending to the right.

Ernest Anastos, Director of Alternative Education

SWEETWATER UNION HIGH SCHOOL DISTRICT

CLASSIFICATION: Alternative Education

POLICY NO.: 6176

SUBJECT: Charter Schools

ADOPTED: March 16, 2000

RESPONSIBLE OFFICE: Alternative Programs

REVISED:

REFERENCE: Regulation 6176.1

NEXT REVIEW: 2004

PAGE 1 OF 2

I. Charter Schools

The Board of Trustees recognizes that charter schools may encourage innovation and change which can lead to increased student achievement and encourages charter schools that will provide the following:

- A. Operate in a revenue neutral manner. The charter petitioner will be responsible for all costs in operating the charter school outside of any stipulations in the charter document or associated memorandums of understanding.
- B. Increase learning opportunities with special emphasis on expanded learning experiences for students who are identified as academically low achieving.
- C. Encourage the use of different and innovative teaching methods.
- D. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- E. Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system.
- F. Hold the schools established under this part accountable for meeting measurable student outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- G. Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.
- H. Operate with a sound business, facility, and financial practices.
- I. Recognizing charter schools are exempt from the State Education Code, are organized, and operated consistent with

the Charter Schools Act of 1992, as amended, and applicable federal and state constitutions and statutes.

The Board of Trustees also recognizes that it retains ultimate responsibility for the District charter schools.

II. Responsibility for Charter Schools

The Board of Trustees also recognizes that it retains ultimate responsibility for the district charter schools.

III. Superintendent to Develop Regulations

The superintendent shall formulate such regulations as necessary to implement this policy.

Legal Reference: Education Code

§47600-47664, California Constitution; Article IX, § 6 and 8.

SWEETWATER UNION HIGH SCHOOL DISTRICT

CLASSIFICATION: Alternative Education

REGULATION: 6176.1

SUBJECT: Charter Schools

ADOPTED: March 16, 2000

RESPONSIBLE OFFICE: Alternative Programs

REVISED:

REFERENCE: Policy 6176

NEXT REVIEW: 2004

PAGE 1 OF 7

I. Structure

Responsibility for board approval process, administration, evaluation, and guidance of the districts charter schools shall be vested in the Director of Alternative Education, who is directly responsible to the Area Superintendent North or his/her designee.

II. Process For Review Of Charter Schools

A. Circulate the Charter School Petition

A petition for the establishment of a charter school may be circulated by any person seeking to establish the school, except that a private school may not seek to convert to a charter school. The petition shall comply with the provisions of the Charter Schools Act of 1992, as amended, and all applicable federal and state constitutions and laws and regulations. The petition shall be signed by a number of parents or guardians equal to at least fifty percent of the students that the charter school estimates it will enroll in its first year, or a number of teachers equal to at least fifty percent of the number of teachers that the charter school estimates will be employed at the charter school during its first year. For purposes of submitting a petition for the establishment of a charter school, a petitioner may not collect signatures from teachers at an existing charter school.

In the case of petitions for the establishment of a charter school by converting an existing public school, the petition shall be signed by at least fifty percent of the permanent status teachers currently employed at the public school to be converted.

B. Submit Petition to Local Governing Board, Director of Alternative Programs

After securing the required signatures, the petition shall be submitted to the Director of Alternative Education for review

by the governing board of the school district. No later than thirty days after receiving the petition, the governing board must hold a public hearing on the provisions of the charter.

III. Requirements of a School Charter - Education Code, Section 47605

The charter petition shall include the following:

- A. EDUCATIONAL PROGRAM: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in the program must include the objective of enabling students to become self-motivated, competent, and lifelong learners.
- B. STUDENT OUTCOMES: The measurable student outcomes, identified for use by the charter school. "Student outcomes," for purposes of this part, means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.
- C. MEASURES OF STUDENT OUTCOMES: The method by which student progress in meeting those student outcomes is to be measured.
- D. GOVERNANCE: The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement.
- E. EMPLOYEE QUALIFICATION: The qualifications that are to be met by individuals who will to be employed by the school.
- F. HEALTH AND SAFETY: The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in section 44237.
- G. RACIAL AND ETHNIC BALANCE: The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general student population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
- H. ADMISSION REQUIREMENTS: The criteria the school will use to screen students for admission, if applicable.
- I. ANNUAL AUDIT: The manner in which an annual audit of the financial and programmatic operations of the school is to be

conducted.

- J. SUSPENSIONS AND EXPULSIONS: The procedures by which students can be suspended or expelled.
- K. STAFF RETIREMENT: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- L. ATTENDANCE ALTERNATIVES: The public school attendance alternatives for students residing within the school district who choose not to attend charter schools.
- M. EMPLOYEE TRANSFER RIGHTS: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- N. DISPUTE RESOLUTIONS: The procedures to be followed by the charter school and the California State Board of Education to resolve disputes relating to provisions of the charter. The board shall retain ultimate decision making authority in the dispute process.
- O. PARTICIPATION IN THE DISTRICT'S ACCOUNTABILITY SYSTEM: Meet all statewide standards and conduct the student assessments required pursuant to section 60605 and any other statewide standards authorized in statute or student assessments applicable to students in non-charter public schools. The assessments administered under this section will allow students to demonstrate their knowledge and skills across major subject areas.
- P. DISCRIMINATION: Be nonsectarian in its programs, admission policies, employment practices, and all other operations, and not discriminate against any student on the basis of ethnicity, national origin, gender, or disability.
- Q. AGE REQUIREMENTS: Establish minimum and maximum age requirements.
- R. TUITION: Not charge tuition.
- S. INSURANCE INDEMNIFICATION: The charter shall agree with the district approved statements regarding insurance and liability and indemnification.
- T. COLLECTIVE BARGAINING: The charter shall indicate whether it or the district shall be the employer for purposes of

collective bargaining.

- U. INDEPENDENT STUDY: If a charter will operate as an independent study program, it must adhere to all state laws and regulations for these programs.

IV. District Review Process

- A. The Director of Alternative Programs shall develop a timeline, considering the Board meeting schedule, for the thirty day public hearing and sixty day Board decision on the charter. The timeline and charter shall be submitted to cabinet for approval.
- B. Upon receipt of petitions, Human Resources Services will verify that petitions have proper signatures.

V. Specific Staff Review Process

The Director of Alternative Education shall coordinate review responsibility for operational areas to:

| | |
|---|---|
| • Personnel | Assistant Superintendent, Human Resources |
| • Collective Bargaining | Director of Labor Relations |
| • Governance | Director of Alternative Education |
| • Facilities, Custodial and Maintenance | Assistant Superintendent, Planning & Facilities |
| • Fiscal and Attendance | Chief Financial Officer |
| • Accounting | |
| • Transportation, Food Services | Assistant Superintendent, Administration |
| • Legal | Assistant Superintendent, Administration |
| • Liability | Chief Financial Officer |
| • Special Education | Director of Special Education & SELPA Director |
| • Assessment and Accountability | Program Manager Testing & Accountability |
| • Curriculum and Instruction | Director of Curriculum & Instruction |
| • Adult Education, ROP | Director of Adult Education |
| • Instructional Technology | Director of Instructional Technology |

The cabinet shall review for program cohesion, comprehensiveness, business operations and overall capacity to provide quality learning experiences.

VI. Timeline For Review

- A. The Superintendent shall present petitions to Board within thirty days of submittal.
- B. The Superintendent shall present findings and recommendations of staff to the Board. The Board must decide whether to approve or deny the petition within sixty days.
- C. Review of the petition may be extended an additional thirty

days if both parties agree to the extension.

VII. Board Consideration of the Charter

The governing board may also require that the petitioner provide additional information regarding the proposed operation and potential effects of the school, including the facilities to be utilized by the school, the manner in which fiscal services are to be provided, and potential civil liability effects on the school and school district. The governing board is required to give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner as academically low achieving pursuant to the standards established by the California Department of Education under Section 54032.

VIII. Charter Term

If approved, a charter shall be granted for five years. It may be renewed by the board of trustees for additional five year terms.

IX. Amendment to Charter

A material amendment of a charter may be made only with the approval of the board of trustees.

X. District Observation

The district may inspect or observe the charter school at any time.

XI. Reasons for Denial of a Charter Petition

The board of trustees will not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one, or more, of the following findings:

- A. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
- B. The petitioners are unlikely to successfully implement the program set forth in the petition.
- C. The petition does not contain the number of signatures required.
- D. The petition does not contain the required nonsectarian and nondiscrimination statements.
- E. The petition does not contain reasonably comprehensive descriptions of the elements required for a school charter.

XII. Appeal of Denial of Petition for Charter School

- A. If the governing board of the school district denies a

REGULATION

petition, the petitioner may elect to submit the petition for the establishment of a charter school to either the County Board of Education or directly to the State Board of Education. The County Board of Education or the State Board of Education shall review the petition pursuant to the timelines for approving a charter. If the petitioner submits the petition to the County Board of Education and it is denied, the petitioner may file the petition with the State Board of Education.

- B. A charter school for which a charter is granted by either the County Board of Education or the State Board of Education pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.
- C. If either the County Board of Education or the State Board of Education fails to act on a petition within one hundred twenty days of receipt, the decision of the governing board of the school district to deny a petition shall, thereafter, be subject to judicial review.

XIII. Notice to the State Board of Education (SBE)

Upon approval of the petition by the local governing board, the petitioners must provide written notice of the approval, including a copy of the petition, to the State Board of Education.

XIV. The State Board of Education Assigns Numbers

The State Board of Education has the responsibility, when it receives a charter school petition, of making sure it has the appropriate signatures, has been approved by the local governing board, and that the charter contains all of the components specified in the law. The State Board of Education will assign a number to complete charter petitions only on a first come, first served basis.

XV. Charter Renewal

The renewal of a charter is subject to the standards and criteria for the initial approval of charters (Education Code Section 47607(a)(2)), except that new signatures are not required. Charter schools that are renewed shall be renewed for a five year period.

A charter school that has been granted its charter by the State board of trustees and elects to seek renewal of its charter shall, prior to expiration of the charter, submit its petition for renewal to the governing board of the district. If the board denies the school's petition for renewal, the school may petition the State Board of Education for renewal of the charter.

XVI. Revocation of a Charter

Prior to revoking a charter, the board of trustees will give the charter school a reasonable opportunity to cure the violation unless the board determines, in writing, that the violation

constitutes a severe and imminent threat to the health or safety of students.

A charter may be revoked by the board of trustees at any time if the board finds that the school did any of the following:

- A. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.
- B. Failed to meet or pursue any of the student outcomes identified in the charter petition.
- C. Failed to meet generally accepted accounting principles, or engaged in standards of fiscal management.
- D. Violated any provision of the law.



Unified School District

1234 Arcadia Ave., Vista CA 92084-3495 (760) 749-2170
www.vusd.k12.ca.us

*Serving the communities of Vista, Oceanside, San Marcos,
Carlsbad and San Diego County*

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SEP 18 2001

SAN DIEGO

COUNTY GRAND JURY

Board Members
Jim Gibson
Stephen Guffanti
David Hubbard
Lelha McWey
Valerie Wade

Superintendent
Dr. Dave Cowles

September 13, 2001

FILED
STEPHEN THUNBERG
Clerk of the Superior Court

SEP 18 2001

By: C. NEPOMUCENO, Deputy

Presiding Judge of the Superior Court
Honorable Wayne L. Peterson
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

RE: San Diego County Grand Jury 2000-2001 Report: "A Descriptive Study of
Charter Schools in San Diego County".

Dear Judge Peterson:

In response to the findings of the grand jury:

1. Charter schools in San Diego County are organized and operated in accordance with the provisions of California State Laws – we agree with this finding.
2. Achievement of students in the charter schools of the county is at least as high as comparable schools, but not significantly higher – based on this study, we agree with this finding.
3. Attendance records of students undertaking Independent Study and Home Study appears to be open to inaccuracy – based on the fact that audit findings statewide often contain issues related to this area, we agree with this finding.
4. Oversight of the charter schools by school districts can be improved – we agree with this finding, but understand that charter/district relationships can hamper oversight procedures.

In response to the recommendations of the grand jury:

01-53: *that school districts ("chartering entities") institute ways of auditing the attendance records of students in Independent Study or Home Study.*

The recommendation has been implemented. The audit procedures of the Vista Unified School District are as follows:

- Ensure that all students participating in Independent Study or Home Study are coded properly so that average daily attendance (ADA) is reported correctly.
- A report is required to be submitted to the school district finance office each month listing each student in the Independent Study and Home Study programs and the amount of ADA generated for that month.
- Independent Study contracts are required to be on file. These contracts are reviewed by district staff to ensure completeness, accuracy, and state compliance.
- Completed work assignments are reviewed to verify that the appropriate ADA has been apportioned for Independent Study.
- Site visits are done periodically to review all attendance records.

01-54: *that school districts ("chartering entities") establish a written procedure regarding oversight of charter schools, and assign a specific person or position responsible for carrying out the required oversight.*

The recommendation regarding a *written* procedure has not yet been implemented, but will be implemented within 60 days. The written procedures will be developed based on the practices currently in place, which are as follows:

Under the supervision of the Assistant Superintendent of Business Services, the Director of Fiscal Services is responsible for carrying out the required oversight. During the 2000-01 fiscal year we had oversight responsibility for one charter school, the Guajome Park Academy. This charter is locally funded and, therefore, has all financial activity included in the records of the Vista Unified School District. Monthly reports are generated and reviewed by the District and any concerns are addressed at that time. All procedures relating to funding, expenditure, purchasing and attendance accounting are those of the District. The District and the charter are in constant contact regarding any issues that may arise. The charter is required to have an annual audit separate from that of the District. The charter has agreed to use the same audit firm as the district in order to ensure coordination of information and how it may effect either entity.

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Effective in 2001-02 the District is responsible for another charter, the Vista Literacy Academy. This charter is direct funded and managed by a for-profit agency. We will be requiring the charter to submit monthly financial and attendance reports for our review. We will also be meeting with their business staff on a regular basis for updates on their operations and we will conduct periodic site visits. The external auditor of the district will also audit the procedures of the charter during our annual audit.

In regard to oversight, we have found that a close relationship between the charter and the district is the only way to ensure that the terms of the charter are being met and that they remain fiscally solvent. The District will conduct regular on-sight verification of attendance through the first two years of operation to ensure that attendance record keeping is accurate and in accordance with District procedures for certification.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Cowles".

Dave Cowles, Ed.D.
Superintendent of Schools

cc: Dr. Rudy Castruita, Superintendent
San Diego County Office of Education

Board of Trustees

Guajome Park Academy - Steve Halfaker, CEO

Vista Literacy Academy - Irma Cobian, CEO